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The State Constitutions

AND THE

Federal Constitution and Organic Laws of the Territories and Other Colonial Dependencies of the United States of America

COMPILED AND EDITED
BY
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PREFACE

This compilation contains the text of the federal constitution and the constitution of each of the forty-eight states, to which are added the organic laws of the territories and insular possessions. In all cases the constitutions are given as amended to date. A note is appended to each article and section amended indicating whether the amendment was proposed by an initiative petition or by the legislature, the date of proposal and the date of ratification. Articles and sections which were added to the constitutions after their adoption are designated as "new" articles or "new" sections. For the convenience of students who are interested in the evolution and historical development of constitutions the text of all articles and sections which have undergone amendment, not given in Thorpe's Constitutions and Charters, are included in this compilation. The compiler is aware that the reproduction of the text of all amended articles and sections, whether given in Thorpe or not, would add to the value of the work, but the imperative necessity of compressing the work into one volume rendered that plan impracticable, and it was abandoned.

CHARLES KETTLEBOROUGH.

Indianapolis, Indiana, September 7, 1917.

PREFACE

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CONSTITUTION OF THE UNITED STATES OF AMERICA—1789*.

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

ARTICLE I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three-fifths of all other Persons.][1]

The Actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.[2]

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. [The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.][3]

*The Constitution of the United States was drafted by a convention which met at Philadelphia on May 25, and adjourned on September 17, 1787. The delegates to this convention were chosen by the legislatures of the several states. Out of a total of sixty-five delegates chosen, ten did not attend and sixteen either declined to sign the Constitution or left the convention before it was ready; the remaining thirty-nine delegates affixed their signatures. The Constitution was ratified by conventions of delegates chosen in each state by the qualified electors; it became operative when ratified by the conventions of nine states; and the government created by the Constitution began operations on March 4, 1789.

[1]That part of paragraph 3 of Section 2 enclosed in brackets has been modified by Section 2 of the Fourteenth Amendment and by the Sixteenth Amendment.

[2]The last apportionment, under the act of 1911, was made on the basis of one representative for 211,877 of population and one representative for each major fraction thereof.

[3]The first paragraph of Section 3 and that part of paragraph 2 of the same section, relative to the filling of vacancies, both of which are enclosed in brackets, were repealed by the Seventeenth Amendment.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments [until the next Meeting of the Legislature, which shall then fill such Vacancies].

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment according to Law.

SECTION 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

SECTION 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was

elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

SECTION 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

SECTION 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.[4]

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

No State shall, without the Consent of Congress, lay any duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years,

[4]Modified by the Sixteenth Amendment.

and, together with the Vice-President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice-President.][5]

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

SECTION 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon

[5] That part of paragraph 2 of Section 1 enclosed in brackets has been superseded by the Twelfth Amendment.

any subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by Law vest the Appointment of such inferior Officer, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

SECTION 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

SECTION 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.

SECTION 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between citizens of the same State claiming Land under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury: and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

SECTION 3. Treason against the United States, shall consist only in levying War against them, or, in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

SECTION 1. Full Faith and Credit shall be given in each State to the Public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

SECTION 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

ARTICLE VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE II.

The Ratification of the Conventions of nine States shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In Witness whereof We have hereunto subscribed our Names,

Go WASHINGTON
Presidt and deputy from Virginia

Articles in Addition To, and Amendment Of, the Constitution of the United States of America, Proposed by Congress, and Ratified by the Legislatures of the Several States, Pursuant to the Fifth Article of the Original Constitution.

ARTICLE I.[6]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

ARTICLE III.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or Affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or any Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a

[6]The first ten amendments of the Constitution, with two others which were not ratified by the requisite number of states, were submitted to the several state legislatures by a resolution of Congress adopted on September 25, 1789, and were ratified and declared adopted in 1791.

jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.[7]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

ARTICLE XII.[8]

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

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[7]The Eleventh Amendment of the Constitution was submitted to the legislatures of the several states by a resolution of Congress adopted on March 5, 1794, and was declared adopted on January 8, 1798.

[8]The Twelfth Amendment of the Constitution was submitted to the legislatures of the several states by a resolution of Congress passed on December 12, 1803; it was designed to supersede the original third paragraph of Section 1 of Article II; it was declared in force by a proclamation of the secretary of state dated September 25, 1804.

ARTICLE XIII.[9]

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.[10]

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

SECTION 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

SECTION 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.[11]

SECTION 1. The rights of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2. The Congress shall have power to enforce this article by appropriate legislation.

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[9]The Thirteenth Amendment of the Constitution was submitted to the legislatures of the several states by a resolution of Congress passed on February 1, 1865; it was declared in force by a proclamation of the secretary of state dated December 18, 1865.

[10]The Fourteenth Amendment of the Constitution was submitted to the legislatures of the several states by a resolution of Congress passed on June 16, 1866, and was declared in force by a proclamation of the secretary of state issued on July 28, 1868.

[11]The Fifteenth Amendment was submitted to the legislatures of the several states by a resolution of Congress passed on February 27, 1869, and was declared in force by a proclamation of the secretary of state issued on March 30, 1870.

ARTICLE XVI.[12]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

ARTICLE XVII.[13]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed so as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

RATIFICATION OF THE SIXTEENTH AMENDMENT.

The Sixteenth Amendment was ratified by the legislatures of the several states as follows: Alabama, August 17, 1909; Kentucky, February 8, 1910; South Carolina, February 23, 1910; Illinois, March 1, 1910; Mississippi, March 11, 1910; Oklahoma, March 14, 1910; Maryland, April 8, 1910; Georgia, August 3, 1910; Texas, August 17, 1910; Ohio, January 19, 1911; Idaho, January 20, 1911; Oregon, January 23, 1911; Washington, January 26, 1911; California, January 31, 1911; Montana, January 31, 1911; Indiana, February 6, 1911; Nevada, February 8, 1911; Nebraska, February 11, 1911; North Carolina, February 11, 1911; Colorado, February 20, 1911; North Dakota, February 21, 1911; Michigan, February 23, 1911; Iowa, February 27, 1911; Kansas, March 6, 1911; Missouri, March 16, 1911; Maine, March 31, 1911; Tennessee, April 11, 1911; Arkansas, April 22, 1911; Wisconsin, May 26, 1911; New York, July 12, 1911; South Dakota, February 3, 1912; Arizona, April 9, 1912; Minnesota, June 12, 1912; Louisiana, July 1, 1912; Delaware, February 3, 1913; Wyoming, February 3, 1913; New Jersey, February 5, 1913; New Mexico, February 5, 1913; Connecticut, Rhode Island and Utah rejected the amendment. Vermont, Massachusetts, New Hampshire and West Virginia ratified the amendment after the secretary of state had issued his proclamation declaring it in force.

RATIFICATION OF THE SEVENTEENTH AMENDMENT.

The Seventeenth Amendment was ratified by the legislatures of the several states as follows: Massachusetts, May 22, 1912; Arizona, June 3, 1912; Minnesota, June 10, 1912; New York, January 15, 1913; Kansas, January 17, 1913; Oregon, January 23, 1913; North Carolina, January 25, 1913; California, January 28, 1913; Michigan, January 28, 1913; Idaho, January 31, 1913; West Virginia, February 4, 1913; Nebraska, February 5, 1913; Iowa, February 6, 1913; Montana, February 7, 1913; Texas, February 7, 1913; Washington, February 7, 1913; Wyoming, February 11, 1913; Colorado, February 13, 1913; Illinois, February 13, 1913; North Dakota, February 18, 1913; Nevada, February 19, 1913; Vermont, February 19, 1913; Maine, February 20, 1913; New Hampshire, February 21, 1913; Oklahoma, February 24, 1913; Ohio, February 25, 1913; South Dakota, February 27, 1913; Indiana, March 6, 1913; Missouri, March 7, 1913; New Mexico, March 15, 1913; New Jersey, March 18, 1913; Tennessee, April 1, 1913; Arkansas, April 14, 1913; Connecticut, April 15, 1913; Pennsylvania, April 15, 1913; and Wisconsin, May 9, 1913.

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[12]The Sixteenth Amendment was submitted to the legislatures of the several states by a resolution of Congress passed on July 12, 1909, and was declared in force by a proclamation of the secretary of state issued on February 25, 1913.

[13]The Seventeenth Amendment was submitted to the legislatures of the several states by a resolution of Congress passed on May 16, 1912, and was declared in force by a proclamation of the secretary of state issued on May 31, 1913.

CONSTITUTION OF ALABAMA—1901.*

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, we declare:

1. That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness.

2. That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient.

3. That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes or other rates for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this State; and that the civil rights, privileges and capacities of any citizen shall not be in any manner affected by his religious principles.

4. That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

5. That the people shall be secure in their persons, houses, papers and possessions from unreasonable seizures or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation.

6. That in all criminal prosecutions the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases in his own behalf, if he elects so to do; and in all prosecutions by indictment, a speedy public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty or property, except by due process of law; but the Legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided, that at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement.

7. That no person shall be accused, or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied.

*The constitution of Alabama was framed by a convention which assembled at Montgomery on May 21, 1901, and adjourned on September 3, 1901; it was ratified on November 11, 1901, by a vote of 108,613 to 81,734, and was declared in force on November 28, 1901. The constitution was submitted as a whole and no proposition was submitted separately.

8. That no person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion and oppression in office, otherwise than is provided in this Constitution; provided, that in cases of misdemeanor, the Legislature may by law dispense with a Grand Jury and authorize such prosecutions and proceedings before Justices of the Peace or such other inferior courts as may be by law established.

9. That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain any advantage by reason of such discharge of the jury.

10. That no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.

11. That the right of trial by jury shall remain inviolate.

12. That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court.

13. That all courts shall be open; and that every person for any injury done him in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay.

14. That the State of Alabama shall never be made a defendant in any court of law or equity.

15. That excessive fines shall not be imposed nor cruel or unusual punishment inflicted.

16. That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

17. That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this State.

18. That treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court.

19. That no person shall be attainted of treason by the Legislature; and no conviction shall work corruption of blood or forfeiture of estate.

20. That no person shall be imprisoned for debt.

21. That no power of suspending laws shall be exercised except by the Legislature.

22. That no *ex post facto* law, nor any law impairing the obligation of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the Legislature; and every grant of a franchise, privilege or immunity, shall forever remain subject to revocation, alteration or amendment.

23. That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to, public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the Legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall in all cases be first made to the owner; and provided, that the

right of eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association.

24. That all navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll; and that no tax, toll, impost or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters, of any navigable stream, unless the same be expressly authorized by law.

25. That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress or grievances or other purposes, by petition, address or remonstrance.

26. That every citizen has a right to bear arms in defense of himself and the State.

27. That no standing army shall be kept up without the consent of the Legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

28. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor, in time of war, but in a manner to be prescribed by law.

29. That no title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or conferred in this State; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior.

30. That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

31. That temporary absence from the State shall not cause a forfeiture of residence once obtained.

32. That no form of slavery shall exist in this State; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted.

33. The privilege of suffrage shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or other improper conduct.

34. Foreigners who are, or may hereafter become, bona fide residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

35. That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty and property, and when the government assumes other functions it is usurpation and oppression.

36. That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate.

ARTICLE II.

STATE AND COUNTY BOUNDARIES.

37. The boundaries of this State are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this State, as originally formed; thence southwardly along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence

up the said river to the beginning; provided that the limits and jurisdiction of this State shall extend to and include any other land and territory hereafter acquired by contract or agreement with other States, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

38. The boundaries of the several counties of this State, as they now exist, are hereby ratified and confirmed.

39. The Legislature may by a vote of two-thirds of each House thereof arrange and designate boundaries for the several counties of this State, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles, and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one Representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation; provided, that out of the counties of Henry, Dale and Geneva, a new county of less than six hundred square miles may be formed under the provisions of this article, so as to leave said counties of Henry, Dale and Geneva with not less than five hundred square miles each.

40. No county line shall be altered or changed, or, in the event of the creation of new counties, shall be established, so as to run within seven miles of the county court house of any old county.

41. No court house or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years; provided, that the county site of Shelby county shall remain at Columbiana, unless removed by a vote of the people as provided for in an act entitled, "An Act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereof, approved the 20th day of February, 1899, or by an election held under the provisions of this article.

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

42. The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another.

43. In the government of this State, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

44. The legislative power of this State shall be vested in a Legislature, which shall consist of a Senate and a House of Representatives.

45. The style of the laws of this State shall be: "Be it enacted by the Legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance; and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revised, amended, or the provisions thereof extended or con-

ferred, by reference to its title only; but so much thereof as is revised, amended, extended, or conferred, shall be re-enacted and published at length.

46. Senators and Representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November, unless the Legislature shall change the time of holding elections, and in every fourth year thereafter. The terms of office of the Senators and Representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution. At the general election in the year nineteen hundred and two all the Representatives, together with the Senators for the even numbered districts and for the Thirty-fifth district, shall be elected. The terms of those Senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution are hereby extended until the day after the general election in the year nineteen hundred and six; and until the expiration of his term as hereinbefore extended, each such Senator shall represent the district established by this Constitution bearing the number corresponding with that for which he was elected. In the year nineteen hundred and six, and in every fourth year thereafter, all the Senators and Representatives shall be elected. Whenever a vacancy shall occur in either House the Governor shall issue a writ of election to fill such vacancy for the remainder of the term.

47. Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this State for three years, and residents of their respective counties or districts for one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of office.

48. The Legislature shall meet quadrennially at the Capitol, in the Senate chamber, and in the Hall of the House of Representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall not remain in session longer than sixty days at the first session held under this Constitution, nor longer than fifty days at any subsequent session. If at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the Capitol or for the Senate to meet or remain in the Senate Chamber, or for the Representatives to meet or remain in the Hall of the House of Representatives, the Governor may convene the Legislature, or remove it, after it has convened, to some other place, or may designate some other place for the sitting of the respective Houses, or either of them, as necessity may require.

49. The pay of the members of the Legislature shall be four dollars per day, and ten cents per mile in going to and returning from the seat of government, to be computed by the nearest usual route traveled.

50. The Legislature shall consist of not more than thirty-five Senators, and not more than one hundred and five members of the House of Representatives, to be apportioned among the several districts and counties as prescribed in this Constitution; provided that in addition to the above number of Representatives each new county hereafter created shall be entitled to one Representative.

51. The Senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tem. thereof, to preside over its deliberations in the absence of the Lieutenant-Governor; and the House of Representatives, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members as Speaker; and the President of the Senate and the Speaker of the House of Representatives shall hold their offices, respectively, until their successors are elected and qualified. In case of the temporary disability of either of said presiding officers, the House to which he belongs may elect one of its members to preside over that House, and to perform all the duties of such officer during the continuance of his disability; and such temporary officer, while performing duty as such, shall receive the same compensation to which

the permanent officer is entitled by law, and no other. Each House shall choose its own officers, and shall judge of the election, returns and qualifications of its members.

52. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

53. Each House shall have power to determine the rules of its proceedings, and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence or offers of bribery or corrupt solicitation; and, with the concurrence of two-thirds of the House, to expel a member, but not a second time for the same offense; and the two Houses shall have all the powers necessary for the Legislature of a free State.

54. A member of the Legislature expelled for corruption shall not thereafter be eligible to either House; and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

55. Each House shall keep a Journal of its proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either House on any question shall, at the request of one-tenth of the members present, be entered on the Journal. Any member of either House shall have liberty to dissent from or protest against, any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the Journal.

56. Members of the Legislature shall in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

57. The doors of each House shall be opened except on such occasions as, in the opinion of the House, may require secrecy; but no person shall be admitted to the floor of either House while the same is in session, except members of the Legislature, officers and employees of the two Houses, the Governor and his secretaries, representatives of the press and other persons to whom either House, by unanimous vote, may extend the privileges of its floor.

58. Neither House shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, except as otherwise provided in this Constitution.

59. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under the State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people.

60. No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature or capable of holding any office of trust or profit in this State.

61. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either House as to change the original purpose.

62. No bill shall become a law until it shall have been referred to a standing committee of each House, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the Journal of each House.

63. Every bill shall be read on three different days in each House, and no bill shall become a law unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the Journal, and a majority of each House be recorded thereon as voting in its favor, except as otherwise provided in this Constitution.

64. No amendment to bills shall be adopted except by a majority of the

House wherein the same is offered, nor unless the amendment, with the names of those voting for and against the same, shall be entered at length on the Journal of the House in which the same is adopted; and no amendment to bills by one House shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the Journal; and no report of a committee of conference shall be adopted in either House except upon a vote taken by yeas and nays and entered on the Journal as herein provided for the adoption of amendments.

65. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby voided.

66. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the Journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the Journal.

67. The Legislature shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no pay shall be made from the State Treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law.

68. The Legislature shall have no power to grant, or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant, any extra compensation, fee or allowance to any public officer, servant or employee, agent or contractor, after service shall have been rendered or contract made; nor to increase or decrease the fees and compensation of such officers, during their terms of office; nor shall any officer of the State bind the State to the payment of any sum of money, but by authority of law; provided this section shall not apply to allowances made by commissioners' court, or boards of revenue to county officers for ex-officio services, nor prevent the Legislature from increasing or diminishing at any time the allowance to sheriffs or other officers for feeding, transferring or guarding prisoners.

69. All stationery, printing, paper and fuel used in the legislative and other departments of government, shall be furnished, and the printing, binding and distribution of laws, Journals, department reports and all other printing, binding and repairing, and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed, under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor, and Treasurer.

70. All bills for raising revenue shall originate in the House of Representatives. The Governor, Auditor and Attorney General shall, before each regular session of the Legislature, prepare a general revenue bill, to be submitted to the Legislature for its information, and the Secretary of State shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared, which the Governor shall transmit to the House of Representatives as soon as organized to be used or dealt with as that House may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session.

71. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the Executive, Legislative and Judicial departments of the State, for interest on the public debt, and for the public schools. The salary of no officer or employee shall be increased in such bill,

nor shall an appropriation be made therein for any officer or employee, unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

72. No money shall be paid out of the Treasury except upon appropriations made by law, and on warrants drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

73. No appropriation shall be made to any charitable or educational institution not under the absolute control of the State, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

74. No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians or other trustees in the bonds or stocks of any private corporation; and any such acts now existing are avoided, saving investments heretofore made.

75. The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law.

76. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each House. Special sessions shall be limited to thirty days.

77. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity; but any county or municipality may appoint such officers when authorized by law.

78. No act of the Legislature changing the seat of government of the State shall become a law until the same shall have been submitted to the qualified electors of the State, at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location.

79. A member of the Legislature who shall solicit, demand or receive or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, association or person, any money, office, appointment, employment, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same; or with an understanding, expressed or implied, that his vote, or official action, shall be in any way influenced thereby; or who shall solicit or demand any such money or other advantage, matter or thing aforesaid, for another as the consideration for his vote, or influence, or for withholding the same; or shall give or withhold his vote or influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be guilty of bribery within the meaning of this Constitution, and shall incur the disabilities and penalties provided thereby for such offense, and such additional punishment as is or shall be provided by law.

80. Any person who shall, directly or indirectly, offer, give or promise any money, or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as may be provided by law.

81. The offense of corrupt solicitation of members of the Legislature, or of public officers of this State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the judges to give the same specially in charges to the grand juries in all the counties of this State.

82. A member of the Legislature who has a personal or private interest

in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the House of which he is a member, and shall not vote thereon.

83. In all elections by the Legislature the members shall vote viva voce, and the votes shall be entered on the Journal.

84. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators to be appointed by the parties who may choose that mode of adjustment.

85. It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for revising, digesting and promulgating the public statutes of this State of a general nature, both civil and criminal.

86. The Legislature shall pass such penal laws as it may deem expedient to suppress the evil practice of dueling.

87. It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries or compensation of public officers for neglect of duty in their official capacities, and the amount of such deduction.

88. It shall be the duty of the Legislature to require the several counties of this State to make adequate provision for maintenance of the poor.

89. The Legislature shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this State.

90. In the event of the annexation of any foreign territory to this State, the Legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of acquisition not inconsistent with this Constitution. Should the State purchase such foreign territory, the Legislature, with the approval of the Governor, shall be authorized to expend any money in the Treasury not otherwise appropriated, and, if necessary, to provide also for the issuance of State bonds, to pay for the purchase of such foreign territory.

91. The Legislature shall not tax the property, real or personal, of the State, counties or other municipal corporations, or cemeteries; nor lots in incorporated cities or towns, or within one mile of any city or town to the extent of one acre, nor lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, when same are used exclusively for religious worship, for schools, or for purposes purely charitable.

92. The Legislature shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property exempted from sale under legal process by this Constitution, and to secure the same to the claimant thereof as selected.

93. The State shall not engage in work of internal improvement nor lend money or its credit in aid of such; nor shall the State be interested in any private or corporate enterprise or lend money or its credit to any individual, association, or corporation, provided that the State may under appropriate laws cause the net proceeds from the State Convict Fund to be applied to the construction, repairs and maintenance of public roads in the State and the Legislature may also make additional appropriations for that purpose.[1]

94. The Legislature shall not have power to authorize any county, city, town, or other subdivision of this State to lend its credit, or to grant public money or thing of value in aid of, or to, any individual, association or corporation whatsoever, or to become a stockholder in any such corporation, association or company, by issuing bonds or otherwise.

95. There can be no law of this State impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

[1]Proposed by the legislature at the regular session of 1907, ratified at the election of November 3, 1908, and proclaimed adopted by the governor on November 17, 1908.

96. The Legislature shall not enact any law not applicable to all counties in the State, regulating costs and charges of courts, or fees, commissions or allowances of public officers.

97. The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

98. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

99. Lands belonging to or under the control of the State shall never be donated directly or indirectly to private corporations, associations, or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across State lands, and the Legislature shall never dispose of the land covered by such right of way except subject to such easement.

100. No obligation or liability of any person, association or corporation held or owned by this State, or by any county or other municipality thereof, shall ever be remitted, released or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the Legislature from providing by general law for the compromise of doubtful claims.

101. No State or county official shall, at any time during his term of office, accept either directly or indirectly any fee, money, office, appointment, employment, reward or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.

102. The Legislature shall never pass any law to authorize or legalize any marriage between any white person and a negro, or a descendant of a negro.

103. The Legislature shall provide by law for the regulation, prohibition or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade or business.

LOCAL LEGISLATION.

104. The Legislature shall not pass a special, private or local law in any of the following cases:

(1.)—Granting a divorce;
(2.)—Relieving any minor of the disabilities of non-age;
(3.)—Changing the name of any corporation, association, or individual;
(4.)—Providing for the adopting or legitimizing of any child;
(5.)—Incorporating a city, town or village;
(6.)—Granting a charter to any corporation, association, or individual;
(7.)—Establishing rules of descent or distribution;
(8.)—Regulating the time within which a civil or criminal action may be begun;
(9.)—Exempting any individual, private corporation or association from the operation of any general law;
(10.) Providing for the sale of the property of any individual or estate;
(11.)—Changing or locating a county seat;
(12.)—Providing for a change of venue in any case;
(13.)—Regulating the rate of interest;
(14.)—Fixing the punishment of crime;
(15.)—Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal, or extension of existing municipal

indebtedness created prior to the ratification of the Constitution of eighteen hundred and seventy-five;

(16.)—Giving effect to an invalid will, deed or other instrument;

(17.)—Authorizing any county, city, town, village, district or other political subdivision of a county, to issue bonds or other securities unless the issuance of said bonds or other securities shall have been authorized before the enactment of such local or special law, by a vote of the duly qualified electors of such county, township, city, town, village, district or other political subdivision of a county, at an election held for such purpose, in the manner that may be prescribed by law; provided, the Legislature may without such election, pass special laws to refund bonds issued before the date of the ratification of this Constitution;

(18.)—Amending, confirming or extending the charter of any private municipal corporation, or remitting the forfeiture thereof; provided, this shall not prohibit the Legislature from altering or re-arranging the boundaries of any city, town or village;

(19.)—Creating, extending or impairing any lien;

(20.)—Chartering or licensing any ferry, road or bridge;

(21.)—Increasing the jurisdiction and fees of justices of the peace, or the fees of constables;

(22.)—Establishing separate school districts;

(23.)—Establishing separate stock districts;

(24.)—Creating, increasing or decreasing fees, percentages or allowances of public officers;

(25.)—Exempting property from taxation or from levy or sale;

(26.)—Exempting any person from jury, road or other civil duty;

(27.)—Donating any lands owned by or under control of the State to any person or corporation;

(28.)—Remitting fines, penalties or forfeitures;

(29.)—Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(30.)—Restoring the right to vote to persons convicted of infamous crimes, or crimes involving moral turpitude;

(31.)—Declaring who shall be liners between precincts or between counties.

104. The Legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in Section 106 of this Constitution.

105. No special, private or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this State; and the courts and not the Legislature, shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the Legislature indirectly enact any such special, private or local law by the partial repeal of a general law.

106. No special, private or local law shall be passed on any subject not enumerated in Section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the State, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties, or if there is no newspaper published therein, then by posting the said notice for four consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof by affidavit that said notice has been given shall be exhibited to each House of the Legislature, and said proof spread upon the Journal. The courts shall pronounce void every

special, private or local law which the Journals do not affirmatively show was passed in accordance with the provisions of this section.

107. The Legislature shall not, by special, private or local law, repeal or modify any special, private or local law except upon notice being given and shown as provided in the last preceding section.

108. The operation of a general law shall not be suspended for the benefit of any individual, private corporation or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this article otherwise provided.

109. The Legislature shall pass general laws under which local and private interests shall be provided for and protected.

110. A general law within the meaning of this article is a law which applies to the whole State; a local law is a law which applies to any political subdivision or subdivisions of the State less than the whole; a special or private law within the meaning of this article is one which applies to an individual, association or corporation.

111. No bill introduced as a general law in either House of the Legislature shall be so amended on its passage as to become a special, private or local law.

ARTICLE V.

EXECUTIVE DEPARTMENT.

112. The Executive department shall consist of a Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and a Sheriff for each county.

113. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama."

114. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, shall be elected by the qualified electors of the State at the same time and places appointed for the election of members of the Legislature in the year nineteen hundred and two, and in every fourth year thereafter.

115. The returns of every election for Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both Houses of the Legislature in joint convention; but the Speaker's duty and the duty of the joint convention shall be purely ministerial. The result of the election shall be ascertained and declared by the Speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the Legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries shall be determined by both Houses of the Legislature in such manner as may be prescribed by law.

116. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries, elected after the ratification of this Constitution, shall hold their respective offices for the term of four years from the first Monday after the second Tuesday in January next succeeding their election, and until their successors shall be elected and qualified. After the first election under this Constitution no one of said officers shall be eligible as his own successor; and the Governor shall not be eligible to election or appoint

ment to any office under this State, or to the Senate of the United States during his term, and within one year after the expiration thereof.

117. The Governor and Lieutenant-Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this State at least seven years next before the date of their election. The Lieutenant-Governor shall be ex-officio President of the Senate, but shall have no right to vote except in the event of a tie.

118. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education and Commissioner of Agriculture and Industries shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant-Governor, reside at the State Capital during the time they continue in office, except during epidemics. The compensation of the Lieutenant-Governor shall be the same as that received by the Speaker of the House, except while serving as Governor, during which time his compensation shall be the same as that allowed the Governor.

119. If the Legislature, at the session next after the ratification of this Constitution, shall enact a law increasing the salary of the Governor, such increase shall become effective and apply to the first Governor elected after the ratification of this Constitution, if the Legislature shall so determine.

120. The Governor shall take care that the laws be faithfully executed.

121. The Governor may require information in writing, under oath, from the officers of the executive department, named in this article, or created by statute, on any subject relating to the duties of their respective offices; and he may at any time require information in writing, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager who makes a wilfully false report or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense.

122. The Governor may, by proclamation, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place if, since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

123. The Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the Legislature, and at the close of his term of office, he shall give information by written message of the condition of the State; and he shall account to the Legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the Legislature estimates of the amount of money required to be raised by taxation for all purposes.

124. The Governor shall have power to remit fines and forfeitures under such rules and regulations as may be prescribed by law; and, after conviction, to grant reprieves, paroles, commutations of sentence and pardons, except in cases of impeachment. The Attorney General, Secretary of State, and State Auditor shall constitute a Board of Pardons, who shall meet on the call of the Governor, and before whom shall be laid all recommendations or petitions, for pardon, commutation or parole, in cases of felony; and the board shall hear them in open session, and give their opinion thereon in writing to the Governor, after which or on the failure of the board to advise for more than sixty days, the Governor may grant or refuse the commutation, parole or pardon, as to him seems best for the public interest. He shall communicate to the Legislature at each session every remission of fines and forfeitures, and every reprieve, commutation, parole or pardon, with his reasons therefor, and the opinion of the Board of Pardons in each case required to be referred,

stating the name and crime of the convict, the sentence, its date, and the date of reprieve, commutation, parole or pardon. Pardons in cases of felony and other offenses involving moral turpitude shall not relieve from civil and political disabilities, unless approved by the Board of Pardons and specifically expressed in the pardon.

125. Every bill which shall have passed both Houses of the Legislature, except as otherwise provided in this Constitution, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it originated, which shall enter the objections at large upon the Journal and proceed to reconsider it. If the Governor's message proposes no amendment which would remove his objections to the bill, the House in which the bill originated may proceed to reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, it shall be sent to the other House, which shall in like manner reconsider, and if a majority of the whole number elected to that House vote for the passage of the bill, the same shall become a law, notwithstanding the Governor's veto. If the Governor's message proposes amendment, which would remove his objections, the House to which it is sent may so amend the bill and send it with the Governor's message to the other House, which may adopt but cannot amend, said amendment; and both Houses concurring in the amendment, the bill shall again be sent to the Governor and acted on by him as other bills. If the House to which the bill is returned refuses to make such amendment, it shall proceed to reconsider; and if a majority of the whole number elected to that House shall vote for the passage of the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that House, it shall become a law. If the House to which the bill is returned makes the amendment and the other House declines to pass the same, that House shall proceed to reconsider, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor within six days, Sunday excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the House in which it originated within two days after the reassembling, otherwise it shall become a law. but bills presented to the Governor within five days before the final adjournment of the Legislature may be approved by the Governor at any time within ten days after such adjournment, and if approved and deposited with the Secretary of State within that time shall become law. Every vote, order, or resolution to which concurrence of both Houses may be necessary, except on questions of adjournment and the bringing on of elections by the two Houses, and amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both Houses according to the rules and limitations prescribed in the case of a bill.

126. The Governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, setting the same out in full in his message, but in such case the enrolled bill should not be returned with the Governor's objection.

127. In case of the Governor's removal from office, death or resignation, the Lieutenant-Governor shall become Governor. If both the Governor and Lieutenant-Governor be removed from office, die, or resign more than sixty

days prior to the next general election at which any state officers are to be elected, a Governor and Lieutenant-Governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the Governor and Lieutenant-Governor, pending such vacancy, and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either the President pro tem. of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, or State Treasurer in the order herein named. In case of the impeachment of the Governor, his absence from the State for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the Governor is acquitted, return to the State, or is restored to his mind, or relieved from other disability, devolve in the order herein named upon the Lieutenant-Governor, President pro tem. of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State and State Treasurer. If any of these officers be under any of the disabilities herein specified, the office of Governor shall be administered in the order named by such of these officers as may be free from such disability. If the Governor shall be absent from the State over twenty days, the Secretary of State shall notify the Lieutenant-Governor, who shall enter upon the duties of Governor; if both the Governor and Lieutenant-Governor shall be absent from the State over twenty days, the Secretary of State shall notify the President pro tem of the Senate, who shall enter upon the duties of Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the Governor or other officer entitled to administer the office in succession to the Governor returns. If the Governor-elect fails or refuses from any cause to qualify, the Lieutenant-Governor-elect shall qualify and exercise the duties of Governor until the Governor-elect qualifies; and in the event both the Governor-elect and the Lieutenant-Governor-elect from any cause fail to qualify, the President pro tem. of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor, Secretary of State and State Treasurer shall in like manner, in the order named, administer the office until the Governor-elect or Lieutenant-Governor-elect qualifies.

128. If the Governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the Supreme Court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in Section 127 of this Constitution, not next in succession to the office of Governor, to ascertain the mental condition of the Governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of Secretary of State; and in the event of such adjudication it shall be the duty of the officer next in succession to perform the duties of the office until the Governor or other officer administering the office is restored to his mind. If the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the Supreme Court, at the instance of any officer named in Section 127 of this Constitution shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the Secretary of State; and in the event of such adjudication, the office shall be restored to him. The Supreme Court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the Governor or person acting as Governor.

129. The Lieutenant-Governor, President pro tem of the Senate, Speaker of the House, Attorney General, State Auditor, Secretary of State or State Treasurer, while administering the office of Governor, shall receive like compensation as that prescribed by law for the Governor, and no other.

130. No person shall at the same time hold the office of Governor and any other

office, civil or military, under this State, or the United States, or any other State or government, except as otherwise provided in this Constitution.

131. The Governor shall be commander-in-chief of the militia and volunteer forces of this State, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress, insurrection and repel invasion, but need not command in person unless directed to do so by resolution of the Legislature; and when acting in the service of the United States, he shall appoint his staff, and the Legislature shall fix his rank.

132. No person shall be eligible to the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education or Commissioner of Agriculture and Industries, unless he shall have been a citizen of the United States at least seven years, and shall have resided in this State at least five years next preceding his election, and shall be at least twenty-five years old when elected.

133. There shall be a seal of the State which shall be used officially by the Governor, and the seal now in use shall continue to be used until another shall have been adopted by the Legislature. The seal shall be called "The Great Seal of the State of Alabama."

134. The Secretary of State shall be the custodian of the Great Seal of the State, and shall authenticate therewith all official acts of the Governor, except his approval of laws, resolutions, appointments to office and administrative orders. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either House of the Legislature when required to do so, and shall perform such other duties as may be prescribed by law.

135. All grants and commissions shall be issued in the name and by the authority of the State of Alabama, sealed with the Great Seal of the State, signed by the Governor and countersigned by the Secretary of State.

136. Should the office of Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, or Commissioner of Agriculture and Industries become vacant from any cause the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor.

137. The Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall every year, at a time fixed by the Legislature, make a full and complete report to the Governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their office, if required by the Governor or the Legislature. The Attorney General, State Auditor, Secretary of State, State Treasurer, and Commissioner of Agriculture and Industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the State Treasury.

138. A Sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of four years, unless sooner removed, and he shall be ineligible to such office as his own successor; provided, that the terms of all Sheriffs expiring in the year nineteen hundred and four are hereby extended until the time of the expiration of the terms of the other executive officers of this State in the year nineteen hundred and seven, unless sooner removed. Whenever any prisoner is taken from jail, or from custody of any Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the Sheriff, such Sheriff may be impeached under Section 174 of the Con-

stitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the time for which he had been elected or appointed to serve as Sheriff.

ARTICLE VI.

JUDICIAL DEPARTMENT.

139. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, a Supreme Court, Circuit Courts, Chancery Courts, Courts of Probate, such courts of law and equity inferior to the Supreme Court, and to consist of not more than five members, as the Legislature from time to time may establish, and such persons as may be by law invested with powers of a judicial nature; but no court of general jurisdiction, at law or in equity, or both, shall hereafter be established in and for any one county having a population of less than twenty thousand, according to the next preceding Federal census, and property assessed for taxation at a less valuation than three million five hundred thousand dollars.

140. Except in cases otherwise directed in this Constitution, the Supreme Court shall have appellate jurisdiction only, which shall be coextensive with the State, under such restrictions and regulations, not repugnant to this Constitution, as may from time to time be prescribed by law, except where jurisdiction over appeals is vested in some inferior court, and made final therein; provided, that the Supreme Court shall have power to issue writs of injunction, habeas corpus, quo warranto, and such other remedial and original writs as may be necessary to give it a general superintendence and control of inferior jurisdictions.

141. The Supreme Court shall be held at the seat of government, but if that shall become dangerous from any cause, it may convene at or adjourn to another place.

142. Except as otherwise authorized in this article, the State shall be divided into convenient circuits. For each circuit there shall be chosen a judge, who shall, for one year next preceding his election and during his continuance in office, reside in the circuit for which he is elected.

143. The Circuit Court shall have original jurisdiction in all matters civil and criminal within the State not otherwise excepted in this Constitution; but in civil cases, other than suits for libel, slander, assault and battery, and ejectment, it shall have no original jurisdiction except where the matter or sum in controversy exceeds fifty dollars.

144. A Circuit Court, or a court having the jurisdiction of the Circuit Court, shall be held in each county in the State at least twice in each year, and judges of the several courts mentioned in this section may hold court for each other when they deem it expedient, and shall do so when directed by law. The judges of the several courts mentioned in this section shall have power to issue writs of injunction, returnable to the Court of Chancery, or courts having jurisdiction of Courts of Chancery.

145. The Legislature shall have power to establish a Court or Courts of Chancery, with original and appellate jurisdiction, except as otherwise authorized in this article. The State shall be divided by the Legislature into convenient Chancery divisions; each division shall be divided into districts, and for each division there shall be a chancellor, who shall have resided in the division for which he shall be elected or appointed for one year next preceding his election or appointment, and shall reside therein during his continuance in office.

146. A Chancery Court, or a court having the jurisdiction of the Chancery Court, shall be held in each district, at a place to be fixed by law, at least twice in each year, and the chancellors may hold court for each other when they deem it necessary, and shall do so when directed by law.

147. Any county having a population of twenty thousand or more, according to the next preceding Federal census, and also taxable property of three million five hundred thousand dollars or more in value, according to the next preceding assessment of property for State and county taxation, need not be

included in any circuit or chancery division; but if the value of its taxable property shall be reduced below that limit, or if its population shall be reduced below that number, the Legislature shall include such county in a circuit and chancery division, or either, embracing more than one county. No Circuit or Chancery division shall contain less than three counties, unless there be embraced therein a county having a population of twenty thousand or more, and taxable property of three million five hundred thousand dollars or more in value.

148. The Legislature may confer upon the Circuit Court or the Chancery Court the jurisdiction of both of said courts. In counties having two or more courts of record, the Legislature may provide for the consolidation of all or any such courts of record, except the Probate Court, with or without separate divisions, and a sufficient number of judges for the transaction of the business of such consolidated court.

149. The Legislature shall have power to establish in each county a Court of Probate, with general jurisdiction of orphan's business and with power to grant letters testamentary and administration; provided, that whenever any court having equity powers has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees, and including action upon the resignation of either of them.

150. The Justices of the Supreme Court, Chancellors and the Judges of the Circuit Courts, and other courts of record, except Probate Courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their official terms; they shall receive no fees or perquisites, nor hold any office, except judicial offices, of profit or trust under this State or the United States, or any other government during the time for which they have been elected or appointed.

151. The Supreme Court shall consist of one Chief Justice, and such number of Associate Justices as may be prescribed by law.

152. The Chief Justice and Associate Justices of the Supreme Court, Judges of the Circuit Courts, Judges of the Probate Courts, and Chancellors shall be elected by the qualified electors of the State, circuits, counties and chancery divisions, for which such courts may be established, at such times as may be prescribed by law, except as herein otherwise provided.

153. The Judges of such inferior courts of law and equity as may be by law established, shall be elected or appointed in such mode as the Legislature may prescribe.

154. Chancellors and Judges of all courts of record shall have been citizens of the United States and of this State for five years next preceding their election or appointment, and shall not be less than twenty-five years of age, and, except Judges of Probate, shall be learned in the law.

155. Except as otherwise provided in this article, the Chief Justice and Associate Justices of the Supreme Court, Circuit Judges, Chancellors, and Judges of Probate, shall hold office for the term of six years, and until their successors are elected or appointed and qualified; and the right of such Judges and Chancellors to hold their offices for the full term hereby prescribed shall not be affected by any change hereafter made by law in any circuit, division, or county, or in the mode or time of election.

156. The Chief Justice and Associate Justices of the Supreme Court shall be chosen at an election to be held at the time and places fixed by law for the election of members of the House of Representatives of the Congress of the United States, until the Legislature shall by law change the time of holding such election. The term of office of the Chief Justice, who shall be elected in the year nineteen hundred and four, shall be as provided in the last preceding section. The successors of two of the Associate Justices elected in the year nineteen hundred and four shall be elected in the year nineteen hundred and six, and the successors of the other two Associate Justices elected in nineteen hundred and four, shall be elected in the year nineteen hundred and eight. The Associate Justices of said court elected in the year nineteen

hundred and four shall draw or cast lots among themselves to determine which of them shall hold office for the terms ending, respectively, in the years nineteen hundred and six and nineteen hundred and eight, and until their respective successors are elected or appointed and qualified. The result of such determination shall be certified to the Governor by such Associate Justices, or a majority of them, prior to the first day of January, nineteen hundred and five, and such certificate shall be entered upon the minutes of the court. In the event of the failure of said Associate Justices to make and certify such determination, the Governor shall designate the terms for which they shall respectively hold office, as above provided, and shall issue his proclamation accordingly. In the event of an increase or reduction by law of the number of Associate Justices of the Supreme Court, the Legislature shall, as nearly as may be, provide for the election each second year, of one-third of the members of said court.

157. All judicial officers within their respective jurisdictions shall, by virtue of their offices, be conservators of the peace.

158. Vacancies in the office of any of the Justices of the Supreme Court or Judges who hold office by election, or Chancellors of this State, shall be filled by appointment by the Governor. The appointee shall hold his office until the next general election for any State officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term and until his successor is elected and qualified.

159. Whenever any new circuit or chancery division is created, the Judge or Chancellor therefor shall be elected at the next general election for any State officer for a term to expire at the next general election for Circuit Judge and Chancellor; provided, that if said new circuit or chancery division is created more than six months before such general election for any State officer, the Governor shall appoint some one as Judge or Chancellor, as the case may be, to hold the office until such election.

160. If in any case, civil or criminal, pending in any Circuit Court, Chancery Court, or in any court of general jurisdiction having any part of the jurisdiction of a Circuit and a Chancery Court, or either of them in this State, the presiding judge or chancellor shall, for any legal cause, be incompetent to try, hear or render judgment in such case, the parties, or their attorneys of record, if it be a civil case, or the solicitor or prosecuting officer, and the defendant or defendants, if it be a criminal case, may agree upon some disinterested person practicing in the court and learned in the law, to act as special judge or chancellor to sit as a court, and to hear, decide and render judgment in the same manner and to the same effect as such incompetent Chancellor or Judge could have rendered but for such incompetency. If the case be a civil one, and the parties or their attorneys of record do not agree; or if it be a criminal one, and the prosecuting officer and the defendant or defendants do not agree upon a special judge or chancellor, or if either party in a civil cause is not represented in court, the Register in Chancery or the clerk of such Circuit or other court in which said cause is pending, shall appoint a special judge or chancellor, who shall preside, try and render judgment as in this section provided. The Legislature may prescribe other methods for supplying special judges in such cases.

161. The Legislature shall have power to provide for the holding of Chancery and Circuit Courts, and for the holding of courts having the jurisdiction of Circuit and Chancery Courts, or either of them, when the Chancellors or Judges thereof fail to attend regular terms.

162. No Judge of any court of record in this State shall practice law in any of the courts of this State, or of the United States.

163. Registers in Chancery shall be appointed by the Chancellors of the respective divisions, and shall have been at least twelve months before their appointment, and shall be at the time of their appointment and during their continuance in office, resident citizens of the district for which they are appointed. They shall hold office for the term for which the Chancellor mak-

ing such appointment was elected or appointed. Such registers shall receive as compensation for their services only such fees and commissions as may be specifically prescribed by law, which fees shall be uniform throughout the State.

164. The clerk of the Supreme Court shall be appointed by the Judges thereof, and shall hold office for the term of six years; and the clerks of such inferior courts as may be established by law shall be selected in such manner as the Legislature may provide.

165. Clerks of the Circuit Court shall be elected by the qualified electors in each county for the term of six years, and may, when appointed by the Chancellor, also fill the office of Register in Chancery. Vacancies in such office of clerk shall be filled by the Judge of the Circuit Court for the unexpired term.

166. The clerk of the Supreme Court and Registers in Chancery may be removed from office by the Justices of the Supreme Court, and by the Chancellors, respectively, for cause, to be entered at length upon the minutes of the court.

167. A Solicitor for each judicial circuit or other territorial subdivision prescribed by the Legislature, shall be elected by the qualified electors of those counties in such circuit or other territorial subdivision in which such Solicitor prosecutes criminal cases, and such Solicitor shall be learned in the law, and shall at the time of his election and during his continuance in office, reside in a county (in the circuit) in which he prosecutes criminal cases, or other territorial subdivision for which he is elected, and his term of office shall be four years, and he shall receive no other compensation than a salary, to be prescribed by law, which shall not be increased during the term for which he was elected; provided, that this article shall not operate to abridge the term of any Solicitor now in office; and, provided further, that the Solicitors elected in the year nineteen hundred and four shall hold office for six years, and until their successors are elected and qualified; and provided further, that the Legislature may provide by law for the appointment by the Governor or the election by the qualified electors of a county for a Solicitor for any county.

168. In each precinct not lying within, or partly within, any city or incorporated town of more than fifteen hundred inhabitants, there shall be elected by the qualified electors of such precinct not exceeding two Justices of the Peace, and one Constable. Where one or more precincts lie within, or partly within, a city or incorporated town having more than fifteen hundred inhabitants, the Legislature may provide by law for the election of not more than two Justices of the Peace and one Constable, for each of such precincts, or an inferior court for such precinct or precincts, in lieu of all Justices of the Peace therein. Justices of the Peace, and the inferior courts in this section provided for, shall have jurisdiction in all civil cases where the amount in controversy does not exceed one hundred dollars, except in cases of libel, slander, assault and battery and ejectment. The Legislature may provide by law what fees may be charged by Justices of the Peace and Constables, which fees shall be uniform throughout the State. The right of appeal from any judgment of a Justice of the Peace, or from any inferior court authorized by this section, without the prepayment of costs, and also the terms of office of such Justices, and of the Judges of such inferior courts, and of Notaries Public, shall be provided for by law. The Governor may appoint Notaries Public without the powers of a Justice of the Peace, and may, except where otherwise provided by an act of the Legislature, appoint not more than one Notary Public with all the powers and jurisdiction of a Justice of the Peace for each precinct in which the election of Justices of the Peace shall be authorized.

169. In all prosecutions for rape and assault with intent to ravish, the court may, in its discretion, exclude from the court room all persons, except such as may be necessary in the conduct of the trial.

170. The style of all processes shall be "The State of Alabama," and all

prosecutions shall be carried on in the name and by the authority of the same, and shall conclude "Against the peace and dignity of the State."

171. The Legislature shall have the power to abolish any court, except the Supreme Court and the Probate Courts, whenever its jurisdictions and functions have been conferred upon some other court.

172. Nothing in this article shall be so construed as to abridge the terms of any officer now in office.

ARTICLE VII.

IMPEACHMENTS.

173. The Governor, Lieutenant-Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, Commissioner of Agriculture and Industries, and Justices of the Supreme Court may be removed from office for wilful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the House of Representatives. When the Governor or Lieutenant-Governor is impeached, the Chief Justice, or if he be absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, shall preside over the Senate when sitting as a court of impeachment. If at any time when the Legislature is not in session, a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desire to meet to consider the impeachment of the Governor, Lieutenant-Governor, or other officer administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House, who shall, within ten days after receipt of such notice, summon the members of the House by publication in some newspaper published at the Capital to assemble at the Capitol on a day to be fixed by the Speaker, not later than fifteen days after the receipt of the notice to him from the Secretary of State, to consider the impeachment of the Governor, Lieutenant-Governor or other officer administering the office of Governor.

If the House of Representatives prefer articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant-Governor, unless he be the officer impeached, in which event he shall notify the Secretary of State, who shall summon in the manner herein above provided for, the members of the Senate to assemble at the Capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the Speaker of the House, for the purpose of organizing as a court of impeachment. The Senate, when thus organized, shall hear and try such articles of impeachment against the Governor, Lieutenant-Governor or other officer administering the office of Governor, as may be preferred by the House of Representatives.

174. The Chancellors, Judges of the Circuit Courts, Judges of the Probate Courts, and Judges of other courts from which an appeal may be taken directly to the Supreme Court, and Solicitors and Sheriffs, may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the Supreme Court, under such regulations as may be prescribed by law. The Legislature may provide for the impeachment or removal of other officers than those named in this article.

175. The clerks of the Circuit Courts, or courts of like jurisdiction, and of Criminal Courts, Tax Collectors, Tax Assessors, County Treasurers, County Superintendents of Education, Judges of inferior courts created under authority of Section 168 of this Constitution, Coroners, Justices of the Peace, Notaries Public, Constables, and all other county officers, Mayors, Intendants and all other officers of incorporated cities and towns in this State, may be removed from office for any of the causes specified in Section 173 of this Constitution, by the Circuit or other courts of like jurisdiction or a Criminal Court of

the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured.

176. The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this State, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

177. Every male citizen of this State, who is a citizen of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, twenty-one years old or upward, not laboring under any of the disabilities named in this article, and possessing the qualifications required by it, shall be an elector, and shall be entitled to vote at any election by the people; provided, that all foreigners who have legally declared their intention of becoming citizens of the United States, shall, if they fail to become citizens thereof at the time they are entitled to become such, cease to have the right to vote until they become such citizens.

178. To entitle a person to vote at any election by the people, he shall have resided in the State at least two years, in the county one year, and in the precinct or ward three months, immediately preceding the election at which he offers to vote, and he shall have been duly registered as an elector, and shall have paid on or before the first day of February next preceding the date of the election at which he offers to vote, all poll taxes due from him for the year nineteen hundred and one, and for each subsequent year; provided, that any elector who, within three months next preceding the date of the election at which he offers to vote, has removed from one precinct or ward to another precinct or ward in the same county, incorporated town or city, shall have the right to vote in the precinct or ward from which he has so removed, if he would have been entitled to vote in such precinct or ward but for such removal.

179. All elections by the people shall be by ballot, and all elections by persons in a representative capacity shall be viva voce.

180. The following male citizens of this State, who are citizens of the United States, and every male resident of foreign birth, who, before the ratification of this Constitution, shall have legally declared his intention to become a citizen of the United States, and who shall not have had an opportunity to perfect his citizenship prior to the twentieth day of December, nineteen hundred and two, twenty-one years old or upwards, who, if their place of residence shall remain unchanged, will have, at the date of the next general election the qualifications as to residence prescribed in Section 178 of this Constitution, and who are not disqualified under Section 182 of this Constitution, shall, upon application be entitled to register as electors prior to the twentieth day of December, nineteen hundred and two, namely:

First—All who have honorably served in the land or naval forces of the United States in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the war with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Second—The lawful descendants of persons who honorably served in the land or naval forces of the United States in the war of the American Revolution, or in the war of 1812, or in the war with Mexico, or in any war with the Indians, or in the war between the States, or in the land or naval forces of the Confederate States, or of the State of Alabama in the war between the States; or,

Third—All persons who are of good character and who understand the duties and obligations of citizenship under a republican form of government.

181. After the first day of January, nineteen hundred and three, the following persons, and no others, who, if their place of residence shall remain unchanged, will have, at the date of the next general election, the qualification as to residence prescribed in Section 178 of this Constitution, shall be qualified to register as electors, provided, they shall not be disqualified under Section 182 of this Constitution.

First—Those who can read and write any article of the Constitution of the United States in the English language, and who are physically unable to work; and those who can read and write any article of the Constitution of the United States in the English language, and who have worked or been regularly engaged in some lawful employment, business or occupation, trade or calling for the greater part of the twelve months next preceding the time they offer to register; and those who are unable to read and write, if such inability is due solely to physical disability; or,

Second—The owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of forty acres of land situate in this State, upon which they reside; or the owner in good faith, in his own right, or the husband of any woman who is the owner in good faith, in her own right, of real estate, situated in this State, assessed for taxation at the value of three hundred dollars or more, or the owner in good faith, in his own right, or the husband of a woman who is the owner in good faith, in her own right, of personal property in this State assessed for taxation at three hundred dollars or more; provided, that the taxes due upon such real or personal property for the year next preceding the year in which he offers to register shall have been paid, unless the assessment shall have been legally contested and is undetermined.

182. The following persons shall be disqualified both from registering and from voting, namely:

All idiots and insane persons; those who shall by reason of conviction of crime be disqualified from voting at the time of the ratification of this Constitution; those who shall be convicted of treason, murder, arson, embezzlement, malfeasance in office, larceny, receiving stolen property, obtaining property or money under false pretenses, perjury, subornation of perjury, robbery, assault with intent to rob, burglary, forgery, bribery, assault and battery on the wife, bigamy, living in adultery, sodomy, incest, rape, miscegenation, crime against nature, or any crime punishable by imprisonment in the penitentiary, or of any infamous crime or crime involving moral turpitude; also any person who shall be convicted as a vagrant or tramp, or of selling or offering to sell his vote or the vote of another, or of making or offering to make false return in any election by the people or in any primary election to procure the nomination or election of any person to any office, or of suborning any witness or registrar to secure the registration of any person as an elector.

183. No person shall be qualified to vote or participate in any primary election, party convention, mass meeting or other method of party action of any political party or faction, who shall not possess the qualifications prescribed in this article for an elector, or who shall be disqualified from voting under the provisions of this article.

184. No person, not registered and qualified as an elector under the provisions of this article, shall vote at the general election in nineteen hundred and two, or at any subsequent State, county, or municipal election, general, local or special; but the provisions of this article shall not apply to any election held prior to the general election in the year nineteen hundred and two.

185. Any elector whose right to vote shall be challenged for any legal cause before an election officer, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received, and any one who wilfully swears or affirms falsely thereto shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

186. The Legislature shall provide by law for the registration, after the first day of January, nineteen hundred and three, of all qualified electors. Until the first day of January, nineteen hundred and three, all electors shall be registered under and in accordance with the requirements of this section, as follows:

First—Registration shall be conducted in each county by a board of three reputable and suitable persons resident in the county, who shall not hold any elective office during their term, to be appointed within sixty days after the ratification of this Constitution, by the Governor, Auditor and Commissioner of Agriculture and Industries, or by a majority of them, acting as a board of appointment. If one or more of the persons appointed on such board of registration shall refuse, neglect, or be unable to qualify or serve, or if a vacancy or vacancies occur in the membership of the board of registrars from any cause, the Governor, Auditor and Commissioner of Agriculture and Industries, or a majority of them, acting as a board of appointment, shall make other appointments to fill such board. Each registrar shall receive two dollars per day, to be paid by the State, and disbursed by the several Judges of Probate, for each entire day's attendance upon the sessions of the board. Before entering upon the performance of the duties of his office, each registrar shall take the same oath required of the judicial officers of the State, which oath may be administered by any person authorized by law to administer oaths. The oath shall be in writing and subscribed by the registrar, and filed in the office of the Judge of Probate of the county.

Second—Prior to the first day of August, nineteen hundred and two, the Board of Registrars in each county shall visit each precinct at least once, and oftener, if necessary to make a complete registration of all persons entitled to register, and shall remain there at least one day from eight o'clock in the morning until sunset. They shall give at least twenty days' notice of the time when, and the place in the precinct where, they will attend to register applicants for registration, by bills posted at five or more public places in each election precinct, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice, or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein; but the time consumed by the board in completing such registration shall not exceed sixty working days in any county, except that in counties of more than nine hundred square miles in area, such board may consume seventy-five working days in completing the registration, and except that in counties in which there is any city of eight thousand or more inhabitants, the board may remain in session, in addition to the time hereinbefore prescribed, for not more than three successive weeks in each of such cities; and thereafter the board may sit from time to time in each of such cities not more than one week in each month, and except that in the county of Jefferson the board may hold an additional session of not exceeding five consecutive days duration for each session, in each town or city of more than one thousand and less than eight thousand inhabitants. No person shall be registered except at the county site or in the precinct in which he resides. The registrars shall issue to each person registered a certificate of registration.

Third—The Board of Registrars shall not register any person between the first day of August, nineteen hundred and two, and the Friday next preceding the day of election in November, nineteen hundred and two. On Friday and Saturday next preceding the day of election in November, nineteen hundred and two, they shall sit in the court house of each county during such days, and shall register all applicants having the qualifications prescribed by Section 180 of this Constitution, and not disqualified under Section 182, who shall have reached the age of twenty-two years after the first day of August, nineteen hundred and two, or who shall prove to the reasonable satisfaction of the board that, by reason of physical disability or unavoidable absence from the county, they had no opportunity to register prior to the first day of August, nineteen hundred and two, and they shall not on such days register any other

persons. When there are two or more court houses in a county, the registrars may sit during such two days at the court house they may select, but shall give ten days' notice, by bills posted at each of the court houses, designating the court house at which they will sit.

Fourth—The Board of Registrars shall hold sessions at the court house of their respective counties during the entire third week in November, nineteen hundred and two, and for six working days next prior to the twentieth day of December, nineteen hundred and two, during which sessions they shall register all persons applying who possess the qualifications prescribed in Section 180 of this Constitution, and who shall not be disqualified under Section 182. In counties where there are two or more court houses the Board of Registrars shall divide the time equally between them. The Board of Registrars shall give notice of the time and place of such sessions by posting notices at each court house in their respective counties, and at each voting place and at three other public places in the county, and by publication once a week for two consecutive weeks in a newspaper, if one be published in the county; such notices to be posted and such publications to be commenced as early as practicable in the first week of November, nineteen hundred and two. Failure on the part of the registrars to conform to the provisions of this article as to the giving of the required notices shall not invalidate any registration made by them.

Fifth—The Board of Registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants. Each member of such board is authorized to administer the oath to be taken by the applicants and witnesses, which shall be in the following form, and subscribed by the person making it, and preserved by the board, namely: "I solemnly swear (or affirm) that in the matter of the application of _____ for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God." Any person who upon such examination makes any wilfully false statement in reference to any material matter touching the qualification of any applicant for registration, shall be guilty of perjury, and upon conviction thereof, shall be imprisoned in the penitentiary for not less than one nor more than five years.

Sixth—The action of the majority of the Board of Registrars shall be the action of the board and a majority of the board shall constitute a quorum for the transaction of all business. Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within thirty days after such denial, by filing a petition in the Circuit Court or court of like jurisdiction held for the county in which he seeks to register, to have his qualification as an elector determined. Upon the filing of the petition the clerk of the court shall give notice thereof to any Solicitor authorized to represent the State in said county, whose duty it shall be to appear and defend against the petition on behalf of the State. Upon such trial the court shall charge the jury only as to what constitutes the qualifications that entitle the applicant to become an elector at the time he applied for registration, and the jury shall determine the weight and effect of the evidence and return a verdict. From the judgment rendered an appeal will lie to the Supreme Court in favor of the petitioner, to be taken within thirty days. Final judgment in favor of the petitioner shall entitle him to registration as of the date of his application to the registrars.

Seventh—The Secretary of State shall, at the expense of the State, have prepared and shall furnish to the registrars and judges of probate of the several counties a sufficient number of registration books and of blank forms of the oath, certificates of registration and notices required to be given by the registrars. The cost of the publication in newspapers of the notices required to be given by the registrars shall be paid by the State, the bills therefor to be rendered to the Secretary of State and approved by him.

Eighth—Any person who registers for another, or who registers more than once, and any registrar who enters the name of any person on the list

of registered voters, without such person having made application in person under oath on a form provided for that purpose, or who knowingly registers any person more than once, or who knowingly enters a name upon the registration list as the name of a voter, without any one of that name applying to register, shall be guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

187. The Board of Registrars in each county shall, on or before the first day of February, nineteen hundred and three, or as soon thereafter as practicable, file in the office of the Judge of Probate in their county, a complete list, sworn to by them, of all persons registered in their county, showing the age of such person so registered, with the precinct or ward in which each of such persons resides set opposite the name of such person, and shall also file a like list in the office of the Secretary of State. The Judge of Probate shall, on or before the first day of March, nineteen hundred and three, or as soon thereafter as practicable, cause to be made from such list in duplicate, in the books furnished by the Secretary of State, an alphabetical list by precincts of the persons shown by the list of registrars to have been registered in the county, and shall file one of such alphabetical lists in the office of the Secretary of State; for which services by the Judge of Probate compensation shall be provided by the Legislature. The Judges of Probate shall keep both the original list filed by the registrars and the alphabetical list made therefrom as records in the office of the Judge of Probate of the county. Unless he shall become disqualified under the provisions of this article, any one who shall register prior to the first day of January, nineteen hundred and three, shall remain an elector during life, and shall not be required to register again unless he changes his residence, in which event he may register again on production of his certificate. The certificate of the registrars or of the Judge of Probate or of the Secretary of State shall be sufficient evidence to establish the fact of such life registration. Such certificate shall be issued free of charge to the elector, and the Legislature shall provide by law for the renewal of such certificate when lost, mutilated or destroyed.

188. From and after the first day of January, nineteen hundred and three, any applicant for registration may be required to state under oath, to be administered by the registrar or by any person authorized by law to administer oaths, where he lived during the five years next preceding the time at which he applies to register and the name or names by which he was known during that period, and the name of his employer or employers, if any, during such period. Any applicant for registration who refuses to state such facts, or any of them, shall not be entitled to register, and any person so offering to register, who wilfully makes a false statement in regard to such matters, or any of them, shall be guilty of perjury, and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than five years.

189. In the trial of any contested election, and in proceedings to investigate any election, and in criminal prosecutions for violations of the election laws, no person other than a defendant in such criminal prosecutions shall be allowed to withhold his testimony on the ground that he may criminate himself or subject himself to public infamy; but such person shall not be prosecuted for any offense arising out of the transactions concerning which he testified, but may be prosecuted for perjury committed on such examination.

190. The Legislature shall pass laws not inconsistent with this Constitution to regulate and govern elections, and all such laws shall be uniform throughout the State; and shall provide by law for the manner of holding elections and of ascertaining the result of the same, and shall provide general registration laws not inconsistent with the provisions of this article, for the registration of all qualified electors from and after the first day of January, nineteen hundred and three. The Legislature shall also make provision by law, not inconsistent with this article, for the regulation of primary elections, and for punishing frauds at the same, but shall not make primary elections

compulsory. The Legislature shall by law provide for purging the registration list of the names of those who die, become insane, or convicted of crime, or otherwise disqualified as electors under the provisions of this Constitution, and of any names which may have been fraudulently enumerated on such list by the registrars; provided, that a trial by jury may be had on the demand of any person whose name is proposed to be stricken from the list.

191. It shall be the duty of the Legislature to pass adequate laws giving protection against the evils arising from the use of intoxicating liquors at all elections.

192. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, or while going to or returning therefrom.

193. Returns of elections for members of the Legislature and for all civil officers who are to be commissioned by the Governor, except the Attorney General, State Auditor, Secretary of State, State Treasurer, Superintendent of Education, and Commissioner of Agriculture and Industries, shall be made to the Secretary of State.

194. The poll tax mentioned in this article shall be one dollar and fifty cents upon each male inhabitant of the State, over the age of twenty-one years, and under the age of forty-five years, who would not now be exempt by law; but the Legislature is authorized to increase the maximum age fixed in this section to not more than sixty years. Such poll tax shall become due and payable on the first day of October in each year, and become delinquent on the first day of the next succeeding February, but no legal process, nor any fee or commission shall be allowed for the collection thereof. The Tax Collector shall make returns of poll tax collections separate from other collections.

195. Any person who shall pay the poll tax of another, or advance him money for that purpose in order to influence his vote, shall be guilty of bribery, and upon conviction therefor shall be imprisoned in the penitentiary for not less than one nor more than five years.

196. If any section or subdivision of this article shall for any reason be, or be held by any court of competent jurisdiction and of final resort to be, invalid, inoperative or void, the residue of this article shall not be thereby invalidated or affected.

ARTICLE IX.

REPRESENTATION.

197. The whole number of Senators shall be not less than one-fourth, or more than one-third of the whole number of Representatives.

198. The House of Representatives shall consist of not more than one hundred and five members unless new counties shall be created, in which event each new county shall be entitled to one Representative. The members of the House of Representatives shall be apportioned by the Legislature among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken.

199. It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Representatives, and apportion them among the several counties of the State, according to the number of inhabitants in them respectively; provided, that each county shall be entitled to at least one Representative.

200. It shall be the duty of the Legislature at its first session after taking the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of Senators and to divide the State into as many Senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one Senator,

and no more; and such districts when formed, shall not be changed until the next apportioning session of the Legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the Legislature may be attached to Senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

201. Should any decennial census of the United States not be taken, or if when taken, the same, as to this State, be not full and satisfactory, the Legislature shall have power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this State, upon which it shall be the duty of the Legislature to make the apportionment of Representatives and Senators as provided for in this article.

202. Until the Legislature shall make an apportionment of Representatives among the several counties, as provided in the preceding section, the counties of Autauga, Baldwin, Bibb, Blount, Cherokee, Chilton, Choctaw, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, DeKalb, Escambia, Fayette, Franklin, Geneva, Greene, Lamar, Lawrence, Limestone, Macon, Marion, Marshall, Monroe, Pickens, Randolph, St. Clair, Shelby, Washington, and Winston, shall each have one Representative; the counties of Barbour, Bullock, Butler, Calhoun, Chambers, Clarke, Elmore, Etowah, Hale, Henry, Jackson, Lauderdale, Lee, Lowndes, Madison, Marengo, Morgan, Perry, Pike, Russell, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Wilcox, shall each have two Representatives; the counties of Dallas and Mobile shall each have three Representatives; the county of Montgomery shall have four Representatives; and the county of Jefferson shall have seven Representatives.

203. Until the Legislature shall divide the State into Senatorial districts, as herein provided, the Senatorial districts shall be as follows:

First district, Lauderdale and Limestone; Second district, Lawrence and Morgan; Third district, Blount, Cullman, and Winston; Fourth district, Madison; Fifth district, Jackson and Marshall; Sixth district, Etowah and St. Clair; Seventh district, Calhoun; Eighth district, Talladega; Ninth District, Chambers and Randolph; Tenth district, Tallapoosa and Elmore; Eleventh district, Tuscaloosa; Twelfth district, Fayette, Lamar and Walker; Thirteenth district, Jefferson; Fourteenth district, Pickens and Sumter; Fifteenth district, Autauga, Chilton and Shelby; Sixteenth district, Lowndes; Seventeenth district, Butler, Conecuh and Covington; Eighteenth district, Bibb and Perry; Nineteenth district, Choctaw, Clarke, and Washington; Twentieth district, Marengo; Twenty-first district, Baldwin, Escambia and Monroe; Twenty-second district, Wilcox; Twenty-third district, Dale and Geneva; Twenty-fourth district, Barbour; Twenty-fifth district, Coffee, Crenshaw and Pike; Twenty-sixth district, Bullock and Macon; Twenty-seventh district, Lee and Russell; Twenty-eighth district, Montgomery; Twenty-ninth district, Cherokee and DeKalb; Thirtieth district, Dallas; Thirty-first district, Colbert, Franklin and Marion; Thirty-second district, Greene and Hale; Thirty-third district, Mobile; Thirty-fourth district, Cleburne, Clay and Coosa; Thirty-fifth district, Henry.

ARTICLE X.

EXEMPTIONS.

204. The personal property of any resident of this State, to the value of one thousand dollars, to be selected by such resident, shall be exempt from sale on execution or other process of any court, issued for the collection of any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution.

205. Every homestead, not exceeding eighty acres, and the dwellings and appurtenances thereon, to be selected by the owner thereof, and not in any city, town or village; or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and appurtenances thereon, owned and occupied by any resident of this State, and not exceeding the value of two thousand dollars, shall be exempt from sale on execution, or any other process

from a court; for any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same.

206. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution, in all cases, during the minority of the children.

207. The provisions of Sections 204 and 205 of this Constitution shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanics' lien for work done on the premises.

208. If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit.

209. The real and personal property of any female in this State, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised or bequeathed by her, the same as if she were a feme sole.

210. The right of exemption hereinbefore secured may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and wife, and attested by one witness.

ARTICLE XI.

TAXATION.

211. All taxes levied on property in this State shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property, while owned by the landlord or hirer during the current year of such rental or hire, if such real or personal property be assessed at its full value.

212. The power to levy taxes shall not be delegated to individuals, or private corporations or associations.

213. After the ratification of this Constitution, no new debt shall be created against or incurred by this State, or its authority, except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each House of the Legislature, and the vote shall be taken by yeas and nays, and entered on the Journals; and any act creating or incurring any new debt against this State, except as herein provided for, shall be absolutely void; provided, the Governor may be authorized to negotiate temporary loans, never to exceed three hundred thousand dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; provided further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the State.

214. The Legislature shall not have the power to levy, in any one year, a greater rate of taxation than sixty-five one-hundredths of one per centum on the value of the taxation property within this State.

215. No county in this State shall be authorized to levy a greater rate of taxation, in any one year, on the value of the taxable property therein, than one-half of one per centum; provided, that to pay debts existing on the sixth day of December, eighteen hundred and seventy-five, an additional rate of one-fourth of one per centum may be levied and collected, which shall be appropriated exclusively to the payment of such debts and the interest thereon; provided further, that to pay any debt or liability now existing against any county, incurred for the erection, construction or maintenance of the necessary public buildings or bridges, or that may hereafter be created for the erection of neces-

sary public buildings, bridges or roads, any county may levy and collect such special taxes, not to exceed one-fourth of one per centum, as may have been or may hereafter be authorized by law, which taxes, so levied and collected, shall be applied exclusively to the purposes for which the same were so levied and collected.

216. No city, town, village, or other municipal corporation, other than as provided in this article, shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half per centum of the value of such property as assessed for State taxation during the preceding year; provided, that for the purpose of paying debts existing on the sixth day of December, eighteen hundred and seventy-five, and the interest thereon, a tax of one per centum may be levied and collected, to be applied exclusively to the payment of such indebtedness; and provided further, that this section shall not apply to the city of Mobile, which city may from and after the ratification of this Constitution levy a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, eighteen hundred and seventy-five, with interest thereon, or any renewal of such debt; and provided further, that this section shall not apply to the cities of Birmingham, Huntsville and Bessemer, and the town of Andalusia, which cities and town may levy and collect a tax not to exceed one-half of one per centum, in addition to the tax of one-half of one per centum as hereinbefore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on bonds of said cities of Birmingham, Huntsville and Bessemer and town of Andalusia, respectively, heretofore issued in pursuance of law, or now authorized by law to be issued, and for a sinking fund to pay off such bonds at the maturity thereof; and provided further, that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of taxable property therein, as fixed for State taxation, for general purposes, and an additional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for State taxation, to be devoted exclusively to the payment of its public debt, interest thereon, and renewals thereof, and to the maintenance of its public schools, and public conveniences; and provided further, that this section shall not apply to Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, and Avondale, which cities and towns may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding one-half of one per centum; and provided further, that this section shall not apply to the cities of Decatur, New Decatur, and Cullman, which cities may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding three-tenths of one per centum per annum; such special tax of said city of Decatur to be applied exclusively for the public schools, public school buildings, and public improvements; and such special tax of New Decatur and Cullman to be applied exclusively for educational purposes, and to be expended under their respective boards of Public School Trustees; but this additional tax shall not be levied by Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, Avondale, Decatur, New Decatur, or Cullman unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and provided further, that the purposes for which such special tax is sought to be levied shall be stated in such election call, and, if authorized, the revenue derived from such special tax shall be used for no other purpose than that stated; and provided further, that the additional tax authorized to be levied by the city of Troy, when so levied and collected, shall be used exclusively in the payment of the bonds and interest coupons thereon, hereafter issued in the adjustment of the present bonded indebtedness of said city; and provided further, that the additional tax authorized to be levied and collected by the city of Attalla shall, when so levied and collected, be used exclusively in the payment of bonds to

the amount of not exceeding twenty-five thousand dollars, and the interest coupons thereon, hereafter to be issued in the adjustment of the present indebtedness of said city; provided further, that the governing boards of said cities, which are authorized to levy an additional tax, after the holding of an election as aforesaid, are hereby authorized to provide by ordinance the necessary machinery for the holding of said election and declaring the result thereof.

217. The property of private corporations, associations and individuals of this State shall forever be taxed at the same rate; provided, this section shall not apply to institutions devoted exclusively to religious, educational or charitable purposes.

218. The Legislature shall not have the power to require counties or other municipal corporations to pay any charges which are now payable out of the State treasury.

219. The Legislature may levy a tax of not more than two and one-half per centum of the value of all estates, real and personal, money, public and private securities of every kind, in this State passing from any person who may die seized and possessed thereof, or of any part of such estate, money or securities, or interest therein transferred by the intestate laws of this State or by will, deed, grant, bargain, sale or gift, made or intended to take effect in possession after the death of the grantor, devisor, or donor, to any person or persons, bodies politic or corporate, in trust or otherwise, other than to or for the use of the father, mother, husband, wife, brothers, sisters, children or lineal descendants of the grantor, devisor, donor or intestate.

ARTICLE XII.

CORPORATIONS.

MUNICIPAL CORPORATIONS.

220. No person, firm, association or corporation shall be authorized or permitted to use the streets, avenues, alleys or public places of any city, town or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town or village.

221. The Legislature shall not enact any law which will permit any person, firm, corporation or association to pay a privilege, license or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State.

222. The Legislature, after the ratification of this Constitution, shall have authority to pass general laws authorizing the counties, cities, towns, villages, districts or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. The ballot at such election shall contain the words "For _____ bond issue," and "Against _____ bond issue," (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. This section shall not apply to the renewal, refunding or reissue of bonds lawfully issued, nor to the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers.

223. No city, town or other municipality shall make any assessment for the cost of sidewalks or street paving, or for the cost of the construction of any sewers against property abutting in such street or sidewalk so paved, or drained by such sewers, in excess of the increased value of such property by reason of the special benefits derived from such improvements.

224. No county shall become indebted in an amount including present

indebtedness, greater than three and one-half per centum of the assessed value of the property therein; provided, this limitation shall not affect any existing indebtedness in excess of such three and one-half per centum, which has already been created or authorized by existing law to be created; provided, that any county which has already incurred a debt exceeding three and one-half per centum of the assessed value of the property therein, shall be authorized to incur an indebtedness of one and a half per centum of the assessed value of such property in addition to the debt already existing. Nothing herein contained shall prevent any county from issuing bonds, or other obligations, to fund or refund any indebtedness now existing or authorized by existing laws to be created.

225. No city, town or other municipal corporation having a population of less than six thousand, except as hereinafter provided, shall become indebted in an amount, including present indebtedness, exceeding five per centum of the assessed value of the property therein, except for the construction or purchase of water works, gas or electric lighting plants, or sewerage, or for the improvement of streets, for which purposes an additional indebtedness not exceeding three per centum may be created; provided, this limitation shall not affect any debt now authorized by law to be created, nor any temporary loans to be paid within one year, made in anticipation of the collection of taxes, not exceeding one-fourth of the annual revenues of such city or town. All towns and cities having a population of six thousand or more, also Gadsden, Ensley, Decatur, and New Decatur, are hereby authorized to become indebted in an amount, including present indebtedness, not exceeding seven per centum of the assessed valuation of the property therein, provided that there shall not be included in the limitation of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: Temporary loans, to be paid within one year, made in anticipation of the collection of taxes, and not exceeding one-fourth of the general revenues, bonds or other obligations already issued, or which may hereafter be issued for the purpose of acquiring, providing or constructing school houses, water works and sewers; and obligations incurred and bonds issued for street or sidewalk improvements, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements; provided, that the proceeds of all obligations issued as herein provided, in excess of said seven per centum shall not be used for any purpose other than that for which said obligations were issued. Nothing contained in this article shall prevent the funding or refunding of existing indebtedness. This section shall not apply to the cities of Sheffield and Tuscumbia.

226. No city, town or village, whose present indebtedness exceeds the limitation imposed by this Constitution, shall be allowed to become indebted in any further amount, except as otherwise provided in this Constitution, until such indebtedness shall be reduced within such limit; provided, however, that nothing herein contained shall prevent any municipality, except the city of Gadsden, from issuing bonds already authorized by law; provided further, that this section shall not apply to the cities of Sheffield and Tuscumbia.

227. Any person, firm, association or corporation who may construct or operate any public utility along or across the public streets of any city, town or village, under any privilege or franchise permitting such construction or operation, shall be liable to abutting proprietors for the actual damage done to the abutting property on account of such construction or operation.

228. No city or town having a population of more than six thousand shall have authority to grant to any person, firm, corporation or association the right to use its streets, avenues, alleys, or public places for the construction or operation of water works, gas works, telephone or telegraph line, electric light or power plants, steam or other heating plants, street railroads, or any other public utility, except railroads other than street railroads for a longer period than thirty years.

PRIVATE CORPORATIONS.

229. The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and

corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State, which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations shall not be required to pay such a tax. The charter of any corporations shall be subject to amendment, alteration or repeal under general laws.

230. All existing charters, under which a bona fide organization shall not have taken place and business commenced in good faith within twelve months from the time of the ratification of this Constitution, shall thereafter have no validity.

231. The Legislature shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

232. No foreign corporation shall do any business in this State without having at least one known place of business and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association. Such corporation may be sued in any county where it does business, by service of process upon an agent anywhere in the State. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this State. Strictly benevolent, educational or religious corporations shall not be required to pay such a tax.

233. No corporation shall engage in any business other than that expressly authorized in its charter or articles of incorporation.

234. No corporation shall issue stock or bonds except for money, labor done or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice, given in pursuance of law.

235. Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation, to be ascertained as may be provided by law, for the property taken, injured or destroyed by the construction or enlargement of its works, highways or improvements, which compensation shall be paid before such taking, injury or destruction. The Legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid in the court in money, and a bond shall have been given in not less than double the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall, on the demand of either party, be determined by a jury according to law.

236. Dues from private corporations shall be secured by such means as may be prescribed by law; but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her.

237. No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation.

238. The Legislature shall have the power to alter, amend or revoke any charter of incorporation now existing and revocable at the ratification of this Constitution, or any that may be hereafter created, whenever, in its opinion,

such charter may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the stockholders.

239. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within the State, and connect the same with other lines; and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stocks or bonds of any other telegraph or telephone company owning a complete line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone.

240. All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons.

241. The term "corporation," as used in this article, shall be construed to include all joint stock companies, and all associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

RAILROADS AND CANALS.

242. All railroads and canals, not constructed and used exclusively for private purposes, shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railway between any points in this State, and connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and each shall receive and transport the freight, passengers and cars, loaded or empty, of the others, without delay or discrimination.

243. The power and authority of regulating railroad freight and passenger tariffs, and locating and building of passenger and freight depots, correcting abuses, preventing unjust discrimination and extortion and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs, to prohibit unjust discrimination on the various railroads, canals and rivers of the State, and to prohibit the charging of other than just and reasonable rates, and enforce the same by adequate penalties.

244. No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any officer exercising judicial functions under the laws of this State; and any such member or officer receiving such pass or ticket for himself or procuring the same for another, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars and, at the discretion of the court trying the case, in addition to such fine, may be imprisoned for a term not exceeding six months, and upon conviction, shall be subject to impeachment and removal from office. The courts having jurisdiction shall give this law specially in charge to the Grand Juries, and when the evidence is sufficient to authorize an indictment, the Grand Jury must present a true bill. The Circuit Court or any court of like jurisdiction in any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, provided, only one prosecution shall be had for the same offense; and provided further, that the trial and judgment for one offense shall not bar a prosecution for another offense, when the same pass or ticket is used; and provided further, that nothing herein shall prevent a member of the Legislature who is a bona fide employee of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Legislature, or officer exercising judicial functions, a free pass over the railroads or other transportation company or corporation by which he is employed.

245. No railroad company shall give or pay any rebate, or a bonus in

the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties.

246. No railroad, canal or transportation company in existence at the time of the ratification of this Constitution shall have the benefit of any future legislation by general or special laws, other than in execution of a trust created by law or by contract, except on condition of complete acceptance of all the provisions of this article.

ARTICLE XIII.

BANKS AND BANKING.

247. Legislature shall not have the power to establish or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

248. No bank shall be established otherwise than under a general banking law, nor other than upon a specie basis; provided, that any bank may be established with authority to issue bills to circulate as money in an amount equal to the face value of bonds of the United States, or of this State, convertible into specie at their face value, which shall, before such bank is authorized to issue bills for circulation, be deposited with the State Treasurer, or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend specie payment or fail to redeem its notes on demand.

249. All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning, directly or indirectly, the suspension by any bank or banking company of specie payment.

[Sec. 250. Stricken out by amendment ratified in 1916.][2]

251. Every bank or banking company shall be required to cease all banking operations within twenty years from the time of its organization, unless the time be extended by law, and promptly thereafter close its business; but after it has closed its business it shall have corporate capacity to sue and shall be liable to suits until its affairs and liabilities are fully closed.

252. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money.

253. Neither the State nor any political subdivision thereof shall be a stockholder in any bank, nor shall the credit of the State or any political subdivision thereof ever be given or lent to any banking company, association or corporation.

254. The Legislature shall by appropriate laws provide for the examination, by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this State; and each of such banks and banking companies or institutions shall, through its president or such other officer as the Legislature may designate, make a report under oath of its resources and liabilities at least twice a year.

255. The provisions of this article shall apply to all banks except National banks, and to all trust companies and individuals doing a banking business, whether incorporated or not.

ARTICLE XIV.

EDUCATION.

256. The Legislature shall establish, organize and maintain a liberal system of public schools throughout the State for the benefit of the children thereof between the ages of seven and twenty-one years. The public school

[2]The amendment proposing to strike out and repeal Section 250 was adopted by the legislature at the regular session of 1915 and ratified at the election of November 7, 1916.

fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the county as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.

257. The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this State or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations.

258. All lands or other property given by individuals, or appropriated by the State for educational purposes, and all estates of deceased persons who die without leaving a will or heir shall be faithfully applied to the maintenance of the public schools.

259. All poll taxes collected in this State shall be applied to the support of the public schools in the respective counties where collected.

260. The income arising from the Sixteenth Section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in Sections 257 and 258 of this Constitution, together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this State, which the Legislature shall levy, shall be applied to the support and maintenance of the public schools, and it shall be the duty of the Legislature to increase the public school fund from time to time, as the necessity therefor and the condition of the treasury and the resources of the State may justify; provided, that nothing herein contained shall be so construed as to authorize the Legislature to levy in any one year a greater rate of State taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the bonded indebtedness of the State and interest thereon out of all the revenues of the State.

261. Not more than four per cent. of all moneys raised, or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each House, suspend the operation of this section.

262. The supervision of the public schools shall be vested in a Superintendent of Education, whose powers, duties and compensation shall be fixed by law.

263. No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school.

264. The State University shall be under the management and control of a board of trustees which shall consist of two members from the Congressional district in which the University is located, one from each of the other Congressional districts in the State, the Superintendent of Education and the Governor, who shall be ex-officio president of the board. The members of the Board of Trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. Successors to those trustees whose terms expire in nineteen hundred and two shall hold office until nineteen hundred and seven; successors to those trustees whose terms expire in nineteen hundred and four shall hold office until nineteen hundred and eleven; successors to those trustees whose terms expire in nineteen hundred and six shall hold office until nineteen hundred and fifteen; and thereafter their successors shall hold office for a term of twelve years. When the term of any member of such board shall expire, the remaining members of the board shall by secret ballot elect his successor; provided, that any trustee so elected shall hold office from

the date of his election until his confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which he was elected, and until his successor is elected. At every meeting of the Legislature the Superintendent of Education shall certify to the Senate the names of all who have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine is for the best interest of the University. If it reject the names of any members, it shall thereupon elect trustees in the stead of those rejected. In case of a vacancy on said board by death or resignation of a member, or from any cause other than the expiration of his term of office, the board shall elect his successor who shall hold office until the next session of the Legislature. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

265. After the ratification of this Constitution there shall be paid out of the treasury of this State, at the time and in the manner provided by law, the sum of not less than thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the treasury, for the maintenance and support of said institution; provided, that the Legislature shall have the power at any time they deem proper for the best interest of said University to abolish the military system at said institution, or reduce the said system to a department of instruction, and that such action on the part of the Legislature shall not cause any diminution of the amount of the annual interest payable out of the treasury for the support and maintenance of said University.

266. The Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College, shall be under the management and control of a Board of Trustees, which shall consist of two members from the Congressional district in which the institute is located, and one from each of the other Congressional districts in the State, the State Superintendent of Education, and the Governor, who shall be ex-officio president of the board. The trustees shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Vacancies occurring in the office of trustees from death or resignation, and the vacancies regularly occurring in the year nineteen hundred and five, shall be filled by the Governor, and such appointee shall hold office until the next meeting of the Legislature. Successors to those trustees whose terms expire in nineteen hundred and three shall hold office until nineteen hundred and eleven; successors to those whose terms of office expire in nineteen hundred and five shall hold office until nineteen hundred and fifteen; and successors to those whose terms of office expire in nineteen hundred and seven shall hold office until nineteen hundred and nineteen. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

267. The Legislature shall not have power to change the location of the State University, or the Alabama Polytechnic Institute, or the Alabama School for the Deaf and Blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the Legislature taken by yeas and nays and entered upon the Journals.

268. The Legislature shall provide for taking a school census by townships and districts throughout the State not oftener than once in two years, and shall provide for the punishment of all persons or officers making false or fraudulent enumerations and returns; provided, the State Superintendent of Education may order and supervise the taking of a new census in any township, district or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made.

269. The several counties in this State shall have power to levy and collect a special tax not exceeding ten cents on each one hundred dollars of

taxable property in such counties, for the support of public schools; provided, that rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, State and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges and the payment of debts existing at the ratification of the Constitution of eighteen hundred and seventy-five. The funds arising from such special school tax shall be so apportioned and paid through the proper school officials to the several schools in the townships and districts in the county that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable; provided, that this section shall not apply to the cities of Decatur, New Decatur and Cullman.

270. The provisions of this article and of any act of the Legislature passed in pursuance thereof to establish, organize and maintain a system of public schools throughout the State shall apply to Mobile county only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes and to make reports to the Superintendent of Education as may be prescribed by law; and all special incomes and powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the Legislature; provided, that separate schools for each race shall always be maintained by said school authorities.

ARTICLE XV.

MILITIA.

271. The Legislature shall have power to declare who shall constitute the militia of the State, and to provide for organizing, arming and disciplining the same; and the Legislature may provide for the organization of a State and Naval Militia.

272. The Legislature, in providing for the organization, equipment and discipline of the militia, shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

273. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, they may be appointed by the Governor.

274. Volunteer organizations of infantry, cavalry, and artillery and naval militia may be formed in such manner and under such restrictions and with such privileges as may be provided by law.

275. The militia and volunteer forces shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections, and in going to and returning from the same.

276. The Governor shall, with the advice and consent of the Senate, appoint all general officers, whose terms of office shall be four years. The Governor, the generals and regimental and battalion commanders shall appoint their own staffs, as may be provided by law.

277. The Legislature shall provide for the safe keeping of the arms, ammunition and accoutrements and military records, banners and relics of the State.

278. The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations or emoluments when not in active service.

ARTICLE XVI.

OATH OF OFFICE.

279. All members of the Legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I, ------, solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

The oath may be administered by the presiding officer of either House of the Legislature, or by any officer authorized by law to administer an oath.

ARTICLE XVII.

MISCELLANEOUS PROVISION.

280. No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed two hundred dollars, shall during his continuance in such office hold any office of profit under this State; nor, unless otherwise provided in this Constitution, shall any person hold two offices of profit at one and the same time under this State, except Justices of the Peace, Constables, Notaries Public and Commissioners of Deeds.

281. The salary, fees or compensation of any officer holding any civil office of profit under this State or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed.

282. It is made the duty of the Legislature to enact all laws necessary to give effect to the provisions of this Constitution.

283. The act of the General Assembly of Alabama, entitled, "An Act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereof entitled, "An Act to amend Section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama, approved February 18th, 1895," which said last named act was approved February 16th, 1899, are hereby made valid, and both of said acts shall have the full force and effect of law, except in so far as they authorize the redemption before maturity of the bonds authorized by said acts to be issued. The Governor is authorized and empowered to act under the same and to carry out the provisions thereof; provided, that the bonds authorized to be issued by said acts and issued thereunder may be made payable at any time, not exceeding fifty years from the date thereof, and shall not be redeemable until their maturity.

ARTICLE XVIII.

MODE OF AMENDING THE CONSTITUTION.

284. Amendments may be proposed to this Constitution by the Legislature in the manner following: The proposed amendments shall be read in the House in which they originate on three several days, and if upon the third reading three-fifths of all the members elected to the House shall vote in favor thereof, the proposed amendments shall be sent to the other House, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all the members elected to that House shall vote in favor of the proposed amendments, the Legislature shall order an election by the qualified electors of the State upon the proposed amendments, to be held either at the general election next succeeding the session of the Legislature at which the amendments are proposed or upon another day appointed by the Legislature not less than three months after the final adjournment of the session of the Legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the Governor, which shall be published in every county in such

manner as the Legislature shall direct, for at least eight successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the State upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of a general election, officers for such election shall be appointed, and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the Secretary of State, and counted, in the same manner as in elections for Representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The results of such election shall be made known by proclamation of the Governor. Representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments.

285. Upon the ballots used at all elections provided for in Section 284 of this Constitution, the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire, and no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who vote at such election.

286. No convention shall hereafter be held for the purpose of altering or amending the Constitution of this State, unless after the Legislature by a vote of a majority of all the members elected to each House, has passed an act or resolution calling a Convention for such purpose, the question of Convention or No Convention shall be first submitted to a vote of all of the qualified electors of the State and approved by a majority of those voting at such election. No act or resolution of the Legislature calling a convention for the purpose of altering or amending the Constitution of this State, shall be repealed, except upon the vote of a majority of all the members elected to each House at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising, or amending the existing Constitution.

287. All votes of the Legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a Convention for the purpose of altering or amending the Constitution of this State, shall be taken by yeas and nays and entered on the Journals. No act or resolution of the Legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this State, shall be submitted for the approval of the Governor, but shall be valid without his approval.

ARTICLE XIX.

SPECIAL SCHOOL TAXES.

1. The several counties in the State shall have power to levy and collect a special county tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under section 260 of article XIV of the Constitution; provided, that the rate of such tax, the time it is to continue and the

purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

2. The several school districts of any county in the State shall have power to levy and collect a special district tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed, as may be approved by the county board of education; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further, that no district tax shall be voted or collected except in such counties as are levying and collecting not less than a three-mill special county school tax.

3. The funds arising from the special county school tax levied and collected by any county shall be apportioned and expended as the law may direct, and the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district, as the law may direct.[3]

SCHEDULE.

In order that no injury or inconvenience may arise from the alterations and amendments made by this Constitution to the existing Constitution of this State, and to carry this Constitution into effect it is hereby ordained and declared:

1.—That all laws in force at the ratification of this Constitution and not inconsistent therewith, shall remain in full force until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims and contracts of the State, counties, municipal corporations, individuals, or bodies corporate, not inconsistent with this Constitution, shall continue to be valid as if this Constitution had not been ratified.

2.—That all bonds executed by or to any officer of this State, all recognizances, obligations, and all other instruments executed to this State, or to any subdivision or municipality thereof, before the ratification of this Constitution, and all fines, taxes, penalties, and forfeitures due and owing to the State, or any subdivision or municipality thereof, and all writs, suits, prosecutions, claims and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the ratification of this Constitution. All indictments which have been found, or which may hereafter be found, for any crime or offense committed before the ratification of this Constitution, shall be proceeded upon in the same manner as if this Constitution had not been ratified.

3.—That all the executive and judicial officers and all other officers in this State, who were elected at the elections held in this State on the first Monday in August in the years eighteen hundred and ninety-eight and nineteen hundred, or who have been appointed since that time, and all members of the present General Assembly and all who may be hereafter elected members of the present General Assembly, and all other officers holding office at the time of the ratification of this Constitution, shall, except as otherwise provided in this Constitution, continue in office and exercise the duties thereof until their respective terms shall expire as provided by the Constitution of eighteen hundred and seventy-five or the laws of this State.

4.—This Constitution shall be submitted to the qualified electors of this State for ratification or rejection, as authorized and required by an act of the General Assembly of this State, entitled "An Act to provide for holding a convention to revise and amend the Constitution of this State," approved the

[3]Proposed by the legislature at the regular session of 1915 and ratified at the election of November 7, 1916. Article XIX is an entirely new article.

eleventh day of December, nineteen hundred; and no elector shall be deprived of his right to vote at the election to be held for such purpose by reason of his not being registered.

5.—That instead of the publication as required by the act to provide for holding a convention to revise and amend the Constitution, approved the eleventh day of December, nineteen hundred, the Governor of this State is hereby authorized to take such steps as will give general publicity and circulation to this Constitution in a manner as economical as practicable.

6.—The salaries of the Executive and Judicial and all other officers of this State, who may be holding office at the time of the ratification of this Constitution, and the payment of the present members of the General Assembly, shall not be affected by the provisions of this Constitution.

Done by the people of Alabama, through their delegates in convention assembled in the hall of the House of Representatives, at Montgomery, Alabama, this the third day of September, Anno Domini, nineteen hundred and one.

JOHN B. KNOX, President.

Attest:

FRANK N. JULIAN, Secretary.

ADDITIONAL AMENDMENTS.

The three amendments hereto appended contain entirely new and supplemental provisions. The acts by which these amendments were proposed do not indicate the sections which they are designed to amend, and hence they are given as detatched and unnumbered sections.

The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson county, including the method and basis of their compensation.[4]

The city of Selma, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually an additional tax of two-tenths of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the maintenance of public schools therein, and shall levy and collect annually a further additional tax of one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to public school buildings therein and improvements and repairs thereon, or to the payment of indebtedness contracted for the same by the city of Selma, or to the maintenance of public schools therein or to any one or more of these purposes; provided that these taxes shall be in lieu of all other city taxes now required to be levied or appropriated by the city of Selma for the support of schools or for school purposes.

Commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1916, the compensation and allowance of the following named county officers of Montgomery county shall be as follows. Salary of judge of probate of Montgomery county $5,000.00 per year net; allowance of $5,500.00 per annum for office expenses as follows: one clerk at $1,500.00 per annum; two clerks at $1,000.00 per annum each; one clerk at $800.00 per annum, and $1,200.00 per annum for all other expenses, including extra clerks. The said $1,200.00 to be paid to the judge of probate in monthly instalments and disbursed by him. The tax collector of Montgomery county shall receive a salary of $4,000.00 per year net; allowance of $1,500.00 per year for his clerk in said office and $1,000.00 for extra help. The tax assessor of Montgomery county shall receive a salary of $4,000.00 per year net; allowance of $1,500.00 per year for a chief clerk in said office; $900.00 for an assistant clerk in said office and $600.00 per year for extra help. The sheriff of Montgomery county shall receive a salary of $4,000.00 per year net; allowance of $1,200.00 per year for a chief

[4]Proposed by the legislature at the regular session of 1911, ratified at the election of November 5, 1912, and proclaimed by the governor on November 16, 1912.

clerk in said office; $1,380.00 per year for a chief deputy; $2,200.00 per year for two deputies in said office, and $1,000.00 for extra assistance. These amounts to be paid out of the county treasury of Montgomery county. This shall not interfere with the amounts now or hereafter allowed the sheriff for guards at the county jail or bailiffs for courts, nor with the provisions for feeding prisoners. The sheriff shall receive amounts now provided by law, and shall cover the same into the county treasury of Montgomery county, and the board of revenue of Montgomery county shall pay out of the county treasury of Montgomery county the expenses incurred by the sheriff in feeding said prisoners. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers. These amounts shall be paid out of the county treasury of Montgomery county as the salaries of other county officers are paid. The above named officers shall collect the fees heretofore collected by them and shall cover such fees into the county treasury on the first Monday of each month. The board of revenue of Montgomery county shall provide said officers with necessary quarters, books, stationery and other conveniences. The Legislature of Alabama may hereafter from time to time by local or general laws, fix, regulate and alter the amount of the above named salaries and allowances, including the method and basis of their compensation, also fix, regulate and alter amount of compensation received by all other county officers of said county.[5]

[5]The last two amendments were proposed by the legislature at the regular session of 1915 and ratified at the election of November 7, 1916.

CONSTITUTION OF ARIZONA—1912.*

PREAMBLE.

We, the people of the State of Arizona, grateful to Almighty God for our liberties, do ordain this Constitution.

ARTICLE I.

STATE BOUNDARIES.

The boundaries of the State of Arizona shall be as follows, namely: Beginning at a point on the Colorado River twenty English miles below the junction of the Gila and Colorado Rivers, as fixed by the Gadsden Treaty between the United States and Mexico, being in latitude thirty-two degrees, twenty-nine minutes, forty-four and forty-five one-hundredths seconds north, and longitude one hundred and fourteen degrees, forty-eight minutes, forty-four and fifty-three one-hundredths seconds west of Greenwich; thence along and with the international boundary line between the United States and Mexico in a southeastern direction to Monument Number 127 on said boundary line, in latitude thirty-one degrees, twenty minutes north; thence east along and with said parallel of latitude, continuing on said boundary line to an intersection with the meridian of longitude one hundred nine degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being identical with the southwestern corner of New Mexico; thence north along and with said meridian of longitude and the west boundary of New Mexico to an intersection with the parallel of latitude thirty-seven degrees north, being the common corner of Colorado, Utah, Arizona, and New Mexico; thence west along and with said parallel of latitude and the south boundary of Utah to an intersection with the meridian of longitude one hundred fourteen degrees, two minutes, fifty-nine and twenty-five one-hundredths seconds west, being on the east boundary line of the State of Nevada; thence south along and with said meridian of longitude and the east boundary of said State of Nevada, to the center of the Colorado River; thence down the mid-channel of said Colorado River in a southern direction along and with the east boundaries of Nevada, California, and the Mexican Territory of Lower California, successively, to the place of beginning.

ARTICLE II.

DECLARATION OF RIGHTS.

SEC. 1. A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government.

*The enabling act authorizing Arizona to draft a constitution and form a state government was approved on June 20, 1910; the election for the selection of delegates was held on September 12, 1910; the constitution was drafted by a convention which assembled at Phoenix on October 10 and adjourned on December 9, 1910, and the constitution as drafted was ratified by the electors on February 9, 1911, by a vote of 12,187 to 3,822; the constitution was submitted as a whole and no provision was submitted separately. The joint resolution of congress admitting Arizona to the Union with the constitution as drafted passed both houses of congress, but was vetoed by President Taft on August 15, 1911, owing to his objection to the provision relative to the recall of judges. Following this veto, a second joint resolution providing for the admission of Arizona under the constitution as adopted, with the provision relative to the recall of judges eliminated, was passed and approved by the President on August 21, 1911. This resolution provided that before the President's proclamation should be issued admitting Arizona to the Union, the voters of the territory should ratify the amendment proposed by congress and the President relative to the elimination of the provision concerning the recall of judges. The election was held on December 12, 1911, and the proposed amendment to the constitution was ratified by an almost unanimous majority and the proclamation of the President admitting Arizona to the Union was issued on February 14, 1912, and by Section 11 of the Schedule the constitution was in force from that date.

SEC. 2. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SEC. 3. The Constitution of the United States is the supreme law of the land.

SEC. 4. No person shall be deprived of life, liberty, or property without due process of law.

SEC. 5. The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

SEC. 6. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that right.

SEC. 7. The mode of administering an oath, or affirmation, shall be such as shall be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

SEC. 8. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

SEC. 9. No law granting irrevocably any privilege, franchise, or immunity shall be enacted.

SEC. 10. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SEC. 11. Justice in all cases shall be administered openly, and without unnecessary delay.

SEC. 12. The liberty of conscience secured by the provisions of this Constitution shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror in consequence of his opinion on matters of religion, nor be questioned touching his religious belief in any court of justice to affect the weight of his testimony.

SEC. 13. No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations.

SEC. 14. The privilege of the writ of habeas corpus shall not be suspended by the authorities of the State.

SEC. 15. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SEC. 16. No conviction shall work corruption of blood, or forfeiture of estate.

SEC. 17. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches, on or across the lands of others for mining, agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

SEC. 18. There shall be no imprisonment for debt, except in cases of fraud.

SEC. 19. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with bribery or illegal rebating, shall not be excused from giving testimony or producing evidence, when legally called upon to do so, on the ground that it may tend

to incriminate him under the laws of the State; but no person shall be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which he may so testify or produce evidence.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 22. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

SEC. 23. The right of trial by jury shall remain inviolate, but provision may be made by law for a jury of a number of less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of a jury in civil cases where the consent of the parties interested is given thereto.

SEC. 24. In criminal prosecutions, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

SEC. 25. No bill of attainder, ex-post-facto law, or law impairing the obligation of a contract, shall ever be enacted.

SEC. 26. The right of the individual citizen to bear arms in defense of himself or the State shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

SEC. 27. No standing army shall be kept up by this State in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SEC. 28. Treason against the State shall consist only in levying war against the State, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SEC. 29. No hereditary emoluments, privileges, or powers shall be granted or conferred, and no law shall be enacted permitting any perpetuity or entailment in this State.

SEC. 30. No person shall be prosecuted criminally in any court of record for felony or misdemeanor, otherwise than by information or indictment; no person shall be prosecuted for felony by information without having had a preliminary examination before a magistrate or having waived such preliminary examination.

SEC. 31. No law shall be enacted in this State limiting the amount of damages to be recovered for causing the death or injury or any person.

SEC. 32. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

SEC. 33. The enumeration in this Constitution of certain rights shall not be construed to deny others retained by the people.

SEC. 34. The State of Arizona and each municipal corporation within the State of Arizona shall have the right to engage in industrial pursuits.[1]

[1]Proposed by the legislature at the regular session of 1912, ratified by the electors on November 5 and proclaimed by the governor on December 5, 1912. The section is entirely new.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of the State of Arizona shall be divided into three separate departments, the Legislative, the Executive, and the Judicial; and, except as provided in this Constitution, such departments shall be separate and distinct, and no one of such departments shall exercise the powers properly belonging to either of the others.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

1. INITIATIVE AND REFERENDUM.

SEC. 1. (1) The legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives, but the people reserve the power to propose laws and amendments to the Constitution and to enact or reject such laws and amendments at the polls, independently of the Legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any Act, or item, section, or part of any Act, of the Legislature.

(2) The first of these reserved powers is the Initiative. Under this power ten per centum of the qualified electors shall have the right to propose any measure, and fifteen per centum shall have the right to propose any amendment to the Constitution.

(3) The second of these reserved powers is the Referendum. Under this power the Legislature, or five per centum of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the Legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the State Government and State institutions; but to allow opportunity for Referendum Petitions, no Act passed by the Legislature shall be operative for ninety days after the close of the session of the Legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the Departments of State and of State institutions; provided, that no such emergency measure shall be considered passed by the Legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each House of the Legislature, taken by roll call of ayes and nays, and also approved by the Governor; and should such measure be vetoed by the Governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each House of the Legislature, taken by roll call of ayes and nays.

(4) All petitions submitted under the power of the Initiative shall be known as Initiative Petitions, and shall be filed with the Secretary of State not less than four months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the Referendum shall be known as Referendum Petitions, and shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which shall have passed the measure to which the Referendum is applied. The filing of a Referendum Petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Any measure or amendment to the Constitution proposed under the Initiative, and any measure to which the Referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the Governor, and not otherwise.

(6) The veto power of the Governor, or the power of the Legislature, to

repeal or amend, shall not extend to initiative or referendum measures approved by a majority vote of the qualified electors.[2]

(7) The whole number of votes cast for all candidates for Governor at the general election last preceding the filing of any Initiative or Referendum petition on a State or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) The powers of the Initiative and the Referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the Initiative fifteen per centum of the qualified electors may propose measures on such local, city, town or county matters, and ten per centum of the electors may propose the Referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Every Initiative or Referendum petition shall be addressed to the Secretary of State in the case of petitions for or on State measures, and to the clerk of the Board of Supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the State (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his postoffice address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the State, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) When any Initiative or Referendum petition or any measure referred to the people by the Legislature shall be filed, in accordance with this section, with the Secretary of State, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) The text of all measures to be submitted shall be published as proposed amendments to the Constitution are published, and in submitting such measures and proposed amendments the Secretary of State and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) If two or more conflicting measures or amendments to the Constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) It shall be the duty of the Secretary of State, in the presence of the Governor and the Chief Justice of the Supreme Court, to canvass the votes for and against each such measure or proposed amendment to the Constitution within thirty days after the election, and upon the completion of the canvass the Governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and

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[2]Proposed by initiative petition, filed in the office of the secretary of state on July 2, ratified by the electors on November 3, 1914, and proclaimed by the governor on December 14, 1914. The text of the original section is as follows: (6) The veto power of the governor shall not extent to initiative or referendum measures approved by a majority of the qualified electors.

declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) This section shall not be construed to deprive the Legislature of the right to enact any measure.

(15) This section of the Constitution shall be, in all respects, self-executing.

SEC. 2. The Legislature shall provide a penalty for any wilful violation of any of the provisions of the preceding section.

2. THE LEGISLATURE.

SEC. 1. Until otherwise provided by law, the Senate shall consist of 19 members, and the House of Representatives of 35 members, and Senators and Representatives shall be apportioned among the several counties as follows:

Apache county, 1 Senator, 1 Representative; Cochise county, 2 Senators, 7 Representatives; Coconino county, 1 Senator, 1 Representative; Gila county, 2 Senators, 3 Representatives; Graham county, 1 Senator, 2 Representatives; Greenlee county, 1 Senator, 2 Representatives; Maricopa county, 2 Senators, 6 Representatives; Mohave county, 1 Senator, 1 Representative; Navajo county, 1 Senator, 1 Representative; Pima county, 2 Senators, 3 Representatives; Pinal county, 1 Senator, 1 Representative; Santa Cruz county, 1 Senator, 1 Representative; Yavapai county, 2 Senators, 4 Representatives; Yuma county, 1 Senator, 2 Representatives.

SEC. 2. No person shall be a member of the Legislature unless he shall be a citizen of the United States at the time of his election, nor unless he shall be at least twenty-five years of age, and shall have been a resident of Arizona at least three years and of the county from which he is elected at least one year before his election.

SEC. 3. The sessions of the Legislature shall be held biennially at the Capitol of the State, and except as to the first session thereof, shall commence on the second Monday of January next after the election of members of the Legislature. The first session shall convene not less than thirty nor more than sixty days after the admission of the State into the Union. The Governor may call a special session whenever in his judgment it is advisable. In calling such special session, the Governor shall specify the subjects to be considered at such session, and at such session no laws shall be enacted except such as relate to the subjects mentioned in such call.

SEC. 4. No person holding any public office of profit or trust under the authority of the United States, or of this State, shall be a member of the Legislature; Provided, that appointments in the State militia and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not work disqualification for membership within the meaning of this section.

SEC. 5. No member of the Legislature, during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during said term.

SEC. 6. Members of the Legislature shall be privileged from arrest in all cases except treason, felony, and breach of the peace, and they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.

SEC. 7. No member of the Legislature shall be liable in any civil or criminal prosecution for words spoken in debate.

SEC. 8. Each House, when assembled, shall choose its own officers, judge of the election and qualification of its own members, and determine its own rules of procedure.

SEC. 9. The majority of the members of each House shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each House may prescribe. Neither House shall adjourn for more than three days, nor to any place other than that in which it may be sitting, without the consent of the other.

SEC. 10. Each House shall keep a journal of its proceedings, and at the request of two members the ayes and nays on roll call on any question shall be entered.

SEC. 11. Each House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds of its members, expel any member.

SEC. 12. Every bill shall be read by sections on three different days, unless, in case of emergency, two-thirds of either House deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the final passage of any bill or joint resolution shall be taken by ayes and nays on roll call. Every measure when finally passed shall be presented to the Governor for his approval or disapproval.

SEC. 13. Every Act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an Act which shall not be expressed in the title, such Act shall be void only as to so much thereof as shall not be embraced in the title.

SEC. 14. No Act or section thereof shall be revised or amended by mere reference to the title of such Act, but the Act or section as amended shall be set forth and published at full length.

SEC. 15. A majority of all members elected to each House shall be necessary to pass any bill, and all bills so passed shall be signed by the presiding officer of each House in open session.

SEC. 16. Any member of the Legislature shall have the right to protest and have the reasons of his protest entered on the journal.

SEC. 17. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 18. The Legislature shall direct by law in what manner and in what courts suits may be brought against the State.

SEC. 19. No local or special laws shall be enacted in any of the following cases, that is to say:

1. Granting divorces.
2. Locating or changing county seats.
3. Changing rules of evidence.
4. Changing the law of descent or succession.
5. Regulating the practice of courts of justice.
6. Limitation of civil actions or giving effect to informal or invalid deeds.
7. Punishment of crimes and misdemeanors.
8. Laying out, opening, altering, or vacating roads, plats, streets, alleys, and public squares.
9. Assessment and collection of taxes.
10. Regulating the rate of interest on money.
11. The conduct of elections.
12. Affecting the estates of deceased persons or of minors.
13. Granting to any corporation, association, or individual, any special or exclusive privileges, immunities, or franchises.
14. Remitting fines, penalties, and forfeitures.
15. Changing names of persons or places.
16. Regulating the jurisdiction and duties of justices of the peace.
17. Incorporation of towns, or villages, or amending their charters.
18. Relinquishing any indebtedness, liability, or obligation to this State.
19. Summoning and empanelling of juries.
20. When a general law can be made applicable.

SEC. 20. The general appropriation bill shall embrace nothing but appropriations for the different departments of the State, for State institutions, for public schools, and for interest on the public debt. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 21. The members of the first Legislature shall hold office until the first Monday in January, 1913. The terms of office of the members of succeeding Legislatures shall be two years.

SEC. 22. Until otherwise provided by law, members of the Legislature shall receive seven dollars per day; Provided, however, that they shall receive such salary for a period not to exceed sixty days in any one session. They shall also receive mileage one way, by the shortest practicable route, at the rate of twenty cents per mile.

SEC. 23. It shall not be lawful for any person holding public office in this State to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as such transportation may be purchased by the general public; Provided, that this shall not apply to members of the National Guard of Arizona traveling under orders. The Legislature shall enact laws to enforce this provision.

SEC. 24. The enacting clause of every bill enacted by the Legislature shall be as follows: "Be it enacted by the Legislature of the State of Arizona," or when the Initiative is used: "Be it enacted by the People of the State of Arizona."

ARTICLE V.

EXECUTIVE DEPARTMENT.

SEC. 1. The Executive Department of the State shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for two years beginning on the first Monday of January next after his election, except that the terms of office of those elected at the election provided for in the Enabling Act approved June 20, 1910, shall begin when the State shall be admitted into the Union, and shall end on the first Monday in January, A.D. 1913, or when their successors are elected and qualified.

The persons, respectively, having the highest number of votes cast for the office voted for shall be elected; but if two or more persons shall have an equal and the highest number of votes for any one of said offices, the two Houses of the Legislature at its next regular session shall elect forthwith, by joint ballot, one of such persons for said office.

The officers of the Executive Department during their terms of office shall reside at the seat of government, where they shall keep their offices and the public records, books, and papers. They shall perform such duties as are prescribed by this Constitution and as may be provided by law.

SEC. 2. No person shall be eligible to any offices mentioned in Section 1 of this article except a male person of the age of not less than twenty-five years, who shall have been for ten years next preceding his election a citizen of the United States and for five years next preceding his election a citizen of Arizona.

SEC. 3. The Governor shall be commander-in-chief of the military forces of the State, except when such forces shall be called into the service of the United States.

SEC. 4. The Governor shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices. He shall take care that the laws be faithfully executed. He may convene the Legislature in extraordinary session. He shall communicate, by message, to the Legislature at every session the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 5. The Governor shall have power to grant reprieves, commutation, and pardons, after convictions, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as may be provided by law.

SEC. 6. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon

the Secretary of State until the disability ceases, or during the remainder of the term.

SEC. 7. Every bill passed by the Legislature, before it becomes a law, shall be presented to the Governor. If he approve, he shall sign it, and it shall become a law as provided in this Constitution. But if he disapprove, he shall return it, with his objections, to the House in which it originated, which shall enter the objections at large on the journal. If after reconsideration it again passes both Houses by an aye and nay vote on roll call of two-thirds of the members elected to each House, it shall become a law as provided in this Constitution, notwithstanding the Governor's objections. This Section shall not apply to emergency measures as referred to in Section 1 of the Article on the Legislative Department.

If any bill be not returned within five days after it shall have been presented to the Governor (Sunday excepted) such bill shall become a law in like manner as if he had signed it, unless the Legislature by its final adjournment prevents its return, in which case it shall be filed with his objections in the office of the Secretary of State within ten days after such adjournment (Sundays excepted) or become a law as provided in this Constitution. After the final action by the Governor, or following the adoption of a bill notwithstanding his objection, it shall be filed with the Secretary of State.

If any bill presented to the Governor contains several items of appropriations of money, he may object to one or more of such items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve together with his reasons therefor, and such item or items shall not take effect unless passed over the Governor's objections as in this section provided.

The veto power of the Governor shall not extend to any bill passed by the Legislature and referred to the people for adoption or rejection.

SEC. 8. When any office shall, from any cause, become vacant, and no mode shall be provided by the Constitution or by law, for filling such vacancy, the Governor shall have the power to fill such vacancy by appointment.

SEC. 9. The powers and duties of Secretary of State, State Treasurer, State Auditor, Attorney-General, and Superintendent of Public Instruction shall be as prescribed by law.

SEC. 10. No person shall be eligible to succeed himself to the office of State Treasurer for the succeeding two years after the expiration of the term for which he shall have been elected.

SEC. 11. The returns of the election for all State officers shall be canvassed, and certificates of election issued by the Secretary of State, in such manner as may be provided by law.

SEC. 12. All commissions shall issue in the name of the State, and shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

SEC. 13. Until otherwise provided by law the salaries of the State officers shall be as follows:

Governor, four thousand dollars per annum.
Secretary of State, three thousand five hundred dollars per annum.
State Auditor, three thousand dollars per annum.
State Treasurer, three thousand dollars per annum.
Attorney-General, twenty-five hundred dollars per annum.
Superintendent of Public Instruction, twenty-five hundred dollars per annum.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of the State shall be vested in a supreme court, superior courts, justices of the peace, and such courts inferior to the superior courts as may be provided by law.

SEC. 2. The Supreme Court shall consist of three judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said

court shall always be open for the transaction of business, except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decisions shall be stated. The number of judges may be increased or diminished from time to time by law; Provided, that said court shall at all times be constituted of at least three judges.

SEC. 3. Judges of the Supreme Court shall be elected at the general election to be held under the provisions of the Enabling Act approved June 20, 1910. Their term of office shall be co-terminous with that of the Governor of the State elected at the same time, and the one receiving the highest number of votes shall be the chief justice. At the first general State election thereafter held under this Constitution, at which a Governor is voted for, three judges of the Supreme Court shall be elected, and the judges elected thereat shall be classified by lot, so that one shall hold office for a term of six years, one for a term of four years, and one for a term of two years, from and after the first Monday in January next succeeding said election. The lot shall be drawn by the judges-elect, who shall assemble for that purpose at the State Capitol, and shall cause the results to be certified to the Secretary of State, who shall file the same in his office.

The judge having the shortest time to serve, and not holding his office by appointment or by election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the Supreme Court. In case of absence of the chief justice, the judge having in like manner the shortest time to serve shall preside.

After the first State election one judge shall be elected every two years at the general election, and the term of the judge elected shall be six years from and after the first Monday in January next succeeding his election, and judges so elected shall hold office until their successors are elected and qualify.

If a vacancy occur in the office of judge of the Supreme Court, the Governor shall appoint a person to fill such vacancy, until the election and qualification of a judge to hold said office, which election shall take place at the next succeeding general election, and the person so elected shall hold office for the remainder of the unexpired term.

Whenever for any reason any judge shall be disqualified from acting in any cause brought before said court, the remaining judges of said court shall call one of the judges of the Superior Court to sit with them on the hearing of said cause.

The sessions of the Supreme Court shall be held at the seat of government.

The judges of the Supreme Court shall be elected at the general State election by the qualified electors of the State at large. The names of all candidates for the office of judge of the Supreme Court shall be placed on the regular ballot in alphabetical order without partisan or other designation except the title of the office.

SEC. 4. The Supreme Court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all State officers. It shall have appellate jurisdiction in all actions and proceedings, but its appellate jurisdiction shall not extend to civil actions at law for recovery of money or personal property where the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars, unless the action involves the validity of a tax, impost, assessment, toll, municipal fine, or statute.

The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction.

The Supreme Court shall have original and exclusive jurisdiction to hear and determine all causes between counties concerning disputed boundaries and surveys thereof, or concerning claims of one county against another. Such trials shall be to the court without a jury.

Each judge of the Supreme Court shall have power to issue writs of habeas corpus to any part of the State upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable before

himself, or before the Supreme Court, or before any superior court of the State or any judge thereof.

SEC. 5. There shall be in each of the organized counties of the State a superior court, for which at least one judge shall be elected by the qualified electors of the county at the general election; Provided, that for each county having a census enumeration greater than thirty thousand inhabitants, one judge of the superior court for every additional thirty thousand inhabitants, or majority fraction thereof, may be provided by law. In any county where there shall be more than one judge of the superior court, there may be as many sessions of the superior court at the same time as there are judges thereof, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of the court as shall best promote and secure the convenient and expeditious transaction thereof.

The judgment, decrees, orders, and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court had presided at such session.

The first judges of the superior court shall be elected at the general election to be held under the provisions of the Enabling Act approved June 20, 1910. Their term of office shall be co-terminous with that of the Governor of the State elected at the same time. Thereafter the term of office of all judges of the superior court shall be four years, from and after the first Monday in January next succeeding their election and until their successors are elected and qualify.

All judges of the superior court shall be elected at the general State election by the qualified electors of their respective counties. The names of all candidates for the office of judge of the superior court shall be placed on the regular ballot in alphabetical order, without any partisan or other designation except the title of the office. If a vacancy occur in the office of judge of the superior court, the Governor shall appoint a person to fill the vacancy until the election and qualification of a judge to hold said office, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 6. The superior court shall have original jurisdiction in all cases of equity and in all cases at law which involve the title to, or the possession of, real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to two hundred dollars exclusive of interests and costs, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate nuisance; of all matters of probate; of divorce and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for.

The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. Said court shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. The process of said court shall extend to all parts of the State.

The superior court shall have exclusive original jurisdiction in all proceedings and matters affecting dependent, neglected, incorrigible, or delinquent children, or children accused of crime, under the age of eighteen years. The judges of said courts must hold examinations in chambers of all such children concerning whom proceedings are brought, in advance of any criminal prosecution of such children, and shall have the power, in their discretion, to suspend criminal prosecution for any offenses that may have been committed by such children. The powers of said judges to control such children shall be as prescribed by law.

The superior court shall at all times, except on non-judicial days, be

open for the determination of non-jury civil causes and for the transaction of business. For the determination of civil causes and matters in which a jury demand has been entered, and for the trial of criminal causes, a trial jury shall be drawn and summoned from the body of the county at least three times a year.

Superior courts and their judges shall have the power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by, or on behalf of, any person in actual custody in their respective counties. Injunctions, attachments, and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days. Grand juries shall be drawn and summoned only by order of the superior court.

SEC. 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and, in case of the disqualification or the inability of the judge thereof to serve, and upon the request of the Governor, shall do so.

SEC. 8. Any judicial officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office; Provided, that in case of extreme necessity, the Governor may extend the leave of absence such time as the necessity therefor shall exist.

SEC. 9. The number of justices of the peace to be elected in incorporated cities and towns, and in precincts, and the powers, duties, and jurisdiction of justices of the peace, shall be provided by law; Provided, that such jurisdiction granted shall not trench upon the jurisdiction of any court of record, except that said justices shall have concurrent jurisdiction with the superior court in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars; and Provided that justices of the peace may be made police justices of incorporated cities and towns. Prosecution may be instituted in courts other than courts of record upon sworn complaint.

SEC. 10. The Supreme Court and superior courts shall be courts of record. Other courts of records may be established by law, but courts of justices of the peace shall not be courts of record.

The salaries of the judges of the Supreme Court shall be paid by the State. One-half of the salary of each of the judges of the superior court shall be paid by the State, and the other one-half by the county for which he is elected. Until otherwise provided by law, each of the judges of the Supreme Court shall receive an annual salary of five thousand dollars. Until otherwise provided by law, the judges of the superior courts in and for the counties of Maricopa, Pima, Yavapai, Gila, and Cochise shall each receive four thousand dollars per annum; the judge of the superior court in and for the county of Greenlee shall receive three thousand five hundred dollars per annum; and the judges of the superior courts in and for the counties of Coconino, Apache, Navajo, Santa Cruz, Yuma, Pinal, Graham, and Mohave shall each receive three thousand dollars per annum.

SEC. 11. Judges of the Supreme Court and judges of the superior courts shall not be eligible to any office or public employment other than a judicial office of employment, during the term for which they shall have been elected.

SEC. 12. Judges shall not charge juries with respect to matters of fact nor comment thereon, but shall declare the law.

No judge of a court of record shall practice law in any court in this State during his continuance in office.

SEC. 13. No person shall be eligible for the office of judge of the Supreme Court, unless he shall be learned in the law, at least thirty years of age, and shall have been a judge of, or admitted to practice before, the highest court of Arizona for at least five years, and shall have been a resident of Arizona for five years next preceding his election.

No person shall be eligible for the office of judge of the superior court, unless he shall be learned in the law, at least twenty-five years of age, and shall

ave been admitted to practice before the highest court of Arizona for at least
vo years and shall have been a resident of Arizona for two years next pre-
ding his election.

SEC. 14. The judges of the Supreme Court shall appoint a reporter for
ie decisions of that court, who shall be removable at their pleasure. He
all receive such annual salary as may be prescribed by law; and the Supreme
ourt shall have the power to fix said salary until such salary shall be deter-
ined by law.

SEC. 15. Every case submitted to the judge of a superior court for his
ecision shall be decided within sixty days from the submission thereof; Pro-
ded, that if within said period of sixty days, a rehearing shall have been
dered, the period within which he must decide shall commence at the time
ie case is submitted on such rehearing.

SEC. 16. Provisions for the speedy publication of the opinions of the Su-
eme Court shall be made by law, and all opinions shall be free for publica-
on by any person.

SEC. 17. The judges of the Supreme Court shall appoint a clerk of that
ourt, who shall be removable at their pleasure and shall receive such com-
nsation, by salary only, as may be provided by law; and the Supreme Court
all have power to fix said salary until such salary shall be determined
y law.

SEC. 18. There shall be elected in each county, by the qualified electors
ereof, at the time of the election of judges of the superior court thereof, a
erk of the superior court, for a term of four years, who shall have such
owers and perform such duties and receive such compensation, by salary only,
s shall be provided by law. Until such salary shall be fixed by law the board
supervisors shall fix such salary. The term of the first clerk elected shall be
-terminous with that of the judge of said county.

SEC. 19. The judges of superior courts may appoint such court commis-
oners in their respective counties as may be deemed necessary, who shall
ve such powers and perform such duties and receive such compensation as
ay be provided by law.

SEC. 20. The style of all process shall be "The State of Arizona," and
l prosecutions shall be conducted in the name of the State of Arizona and
- its authority.

SEC. 21. Every judge of the Supreme Court and every judge of the supe-
or court shall, before entering upon the duties of his office, take and subscribe
n oath that he will support the Constitution of the United States and the
onstitution of the State of Arizona, and will faithfully and impartially dis-
arge the duties of judge to the best of his ability, which oath shall be filed
the office of the Secretary of State.

SEC. 22. The pleadings and proceedings in criminal causes in the courts
all be as provided by law. No cause shall be reversed for technical error
pleading or proceedings when upon the whole case it shall appear that
bstantial justice has been done.

SEC. 23. All laws relating to the authority, jurisdiction, practice, and
ocedure of district and probate courts under laws heretofore enacted by the
gislative Assembly of the Territory of Arizona and in force at the time of
e admission of the State into the Union, and not inconsistent with this Con-
itution, shall, so far as applicable, apply to and govern superior courts, until
tered or repealed. Until otherwise provided, superior courts shall have the
me appellate jurisdiction in cases arising in courts of justices of the peace
district courts now have under said laws.

SEC. 24. No change made by the Legislature in the number of judges shall
ork the removal of any judge from office; and no judge's salary shall be re-
ced during the term of office for which he was elected.

ARTICLE VII.

SUFFRAGE AND ELECTIONS.

SEC. 1. All elections by the people shall be by ballot, or by such other method as may be prescribed by law; Provided, that secrecy in voting shall be preserved.

SEC. 2. No person shall be entitled to vote at any general election, or for any office that now is, or hereafter may be elective by the people, or upon any question which may be submitted to a vote of the people, unless such person be a citizen of the United States of the age of twenty-one years or over, and shall have resided in the State one year immediately preceding such election. The word "citizen" shall include persons of the male and female sex.

The rights of citizens of the United States to vote and hold office shall not be denied or abridged by the State, or any political division or municipality thereof, on account of sex, and the right to register, to vote and to hold office under any law now in effect, or which may hereafter be enacted, is hereby extended to, and conferred upon males and females alike.

No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony, be qualified to vote at any election unless restored to civil rights.[3]

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or while a student at any institution of learning, or while kept at any alms-house or other asylum at public expense or while confined in any public jail or prison.

SEC. 4. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at any election, and in going thereto and returning therefrom.

SEC. 5. No elector shall be obliged to perform military duty on the day of an election, except in time of war or public danger.

SEC. 6. No soldier, seaman, or marine, in the army or navy of the United States shall be deemed a resident of this State in consequence of his being stationed at any military or naval place within this State.

SEC. 7. In all elections held, by the people, in this State, the person or persons, receiving the highest number of legal votes shall be declared elected.

SEC. 8. Qualifications for voters at school elections shall be as are now or as may hereafter be, provided by law.

SEC. 9. For the purpose of obtaining an advisory vote of the people, the Legislature shall provide for placing the names of candidates for United States Senator on the official ballot at the general election next preceding the election of a United States Senator.

SEC. 10. The Legislature shall enact a direct primary election law, which shall provide for the nomination of candidates for all elective, State, county and city offices, including candidates for United States Senator and for Representative in Congress.

SEC. 11. There shall be a general election of Representatives in Congress and of State, county, and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year after the year in which Arizona is admitted to Statehood and biennially thereafter.

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[3]Proposed by initiative petition, filed in the office of the secretary of state on July 5, ratified by the electors on November 5, and proclaimed by the governor on December 5, 1912. The text of the original section is as follows: Sec. 2. No person shall be entitled to vote at any general election or for any office that now is, or hereafter may be, elective by the people or upon any question which may be submitted to a vote of the people, except school elections as provided in section 8 of this article, unless such person be a male citizen of the United States of the age of twenty-one years or over and shall have resided in the State one year immediately preceding such election.

No person under guardianship, non compos mentis, or insane shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 12. There shall be enacted registration and other laws to secure the purity of elections and guard against abuses of the elective franchise.

SEC. 13. Questions upon bond issues or special assessments shall be submitted to the vote of property tax-payers, who shall also in all respects be qualified electors of the State, and of the political subdivision thereof affected by such question.

SEC. 14. No fee shall ever be required in order to have the name of any candidate placed on the official ballot for any election or primary.

SEC. 15. Every person elected or appointed to any office of trust or profit under the authority of the State, or any political division or any municipality thereof, shall be a qualified elector of the political division or municipality in which said person shall be elected or appointed.[4]

SEC. 16. The Legislature, at its first session, shall enact a law providing for general publicity, before and after election, of all campaign contributions to, and expenditures of campaign committees and candidates for public office.

ARTICLE VIII.

REMOVAL FROM OFFICE.

1. RECALL OF PUBLIC OFFICERS.

SEC. 1. Every public officer in the State of Arizona, holding an elective office, either by election or appointment, is subject to recall from such office by the qualified electors of the electoral district from which candidates are elected to such office. Such electoral district may include the whole State. Such number of said electors as shall equal twenty-five per centum of the number of votes cast at the last preceding general election for all of the candidates for the office held by such officer, may by petition, which shall be known as a Recall Petition, demand his recall.[5]

SEC. 2. Every Recall Petition must contain a general statement, in not more than two hundred words, of the grounds of such demand, and must be filed in the office in which petitions for nominations to the office held by the incumbent are required to be filed. The signatures to such Recall Petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street and number, if any, should he reside in a town or city. One of the signers of each sheet of such petition, or the person circulating such sheet, must make and subscribe an oath on said sheet, that the signatures thereon are genuine.

SEC. 3. If said officer shall offer his resignation it shall be accepted, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after a Recall Petition is filed, a special election shall be ordered to be held, not less than twenty, nor more than thirty days after such order, to determine whether such officer shall be recalled. On the ballots at said election shall be printed the reasons as set forth in the petition for demanding his recall, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall have been officially declared.

SEC. 4. Unless he otherwise request, in writing, his name shall be placed as a candidate on the official ballot without nomination. Other candidates for the office may be nominated to be voted for at said election. The candidate who

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[4]Proposed by initiative petition, filed in the office of the secretary of state on July 5, ratified by the voters on November 5, and proclaimed by the governor on December 5, 1912. The text of the original section is as follows: SEC. 15. Every male person elected or appointed to any office of trust or profit under the authority of the State or of any political division of the State, or any male deputy of such officer, shall be a qualified elector of the political division in which said person shall be elected or appointed.

[5]Proposed by the legislature at the regular session of 1912, ratified by the voters on November 5, and proclaimed by the governor on December 5, 1912. Identical with the section as originally adopted by the convention, and amended to meet the objections of President Taft. The only difference between this section and the section proposed by congress and ratified by the electors of the Territory on December 12, 1911, is that the section as proposed by Congress contained the expression "except members of the judiciary" after the word "Arizona" in the first line.

shall receive the highest number of votes, shall be declared elected for th remainder of the term. Unless the incumbent receive the highest number o votes, he shall be deemed to be removed from office, upon qualification of hi successor. In the event that his successor shall not qualify within five day after the result of said election shall have been declared, the said office shal be vacant, and may be filled as provided by law.

SEC. 5. No Recall Petition shall be circulated against any officer until he shall have held his office for a period of six months, except that it may b filed against a member of the Legislature at any time after five days from the beginning of the first session after his election. After one Recall Petition and election, no further Recall Petition shall be filed against the same office during the term for which he was elected, unless petitioners signing such peti tion shall first pay into the public treasury which has paid such election ex penses, all expenses of the preceding election.

SEC. 6. The general election laws shall apply to recall elections in so fa as applicable. Laws necessary to facilitate the operation of the provisions o this article shall be enacted, including provisions for payment by the public treasury of the reasonable special election campaign expenses of such officer.

2. IMPEACHMENT.

SEC. 1. The House of Representatives shall have the sole power of im peachment. The concurrence of a majority of all the members shall be neces sary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence, and shall be presided over by the Chief Justice of the Supreme Court. Should the Chief Justice be on trial, or otherwise disqualified, the Senate shall elect a judge of the Supreme Court to preside.

SEC. 2. No person shall be convicted without a concurrence of two-thirds of the Senators elected. The Governor and other State and judicial officers, except justices of courts not of record, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to trial and punishment according to law.

ARTICLE IX.

PUBLIC DEBT, REVENUE, AND TAXATION.

SEC. 1. The power of taxation shall never be surrendered, suspended, or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only.

SEC. 2. There shall be exempted from taxation all Federal, State, county, and municipal property. Property of educational, charitable, and religious associations or institutions not used or held for profit may be exempted from taxation by law. Public debts, as evidenced by the bonds of Arizona, its counties, municipalities, or other subdivisions, shall also be exempt from taxation. There shall further be exempt from taxation, the property of widows, residents of this State, not exceeding the amount of one thousand dollars, where the total assessment of such widow does not exceed two thousand dollars. All property in the State not exempt under the laws of the United States or under this Constitution, or exempted by law under the provisions of this section, shall be subject to taxation to be ascertained as provided by law.

SEC. 3. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the necessary ordinary expenses of the State for each fiscal year. And for the purpose of paying the State debt, if there be any, the Legislature shall provide for levying an annual tax sufficient to pay the annual interest and the principal of such debt within twenty-five years from the final passage of the law creating the debt.

No tax shall be levied except in pursuance of law, and every law imposing

a tax shall state distinctly the object of the tax, to which object only it shall be applied.

All taxes levied and collected for State purposes shall be paid into the State treasury in money only.

SEC. 4. The fiscal year shall commence on the first day of July in each year. An accurate statement of the receipts and expenditures of the public money shall be published annually, in such manner as shall be provided by law. Whenever the expenses of any fiscal year shall exceed the income, the Legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

SEC. 5. The State may contract debts to supply the casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more laws, or at different periods of time, shall never exceed the sum of three hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained or to repay the debts so contracted, and to no other purpose.

In addition to the above limited power to contract debts the State may borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan shall have been authorized or to the repayment of the debt thereby created. No money shall be paid out of the State treasury, except in the manner provided by law.

SEC. 6. Incorporated cities, towns, and villages may be vested by law with power to make local improvements by special assessments, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes.

SEC. 7. Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.

SEC. 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for State and county purposes, previous to incurring such indebtedness; except, that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes; Provided, that under no circumstances shall any county or school district become indebted to an amount exceeding ten per centum of such taxable property, as shown by the last assessment roll thereof; and Provided further, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding fifteen per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality.*

*Proposed by the legislature at the special session of 1912, ratified by the electors on November 5, and proclaimed by the governor on December 5, 1912. The text of the original section is as follows: Sec. 8. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding four per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of a majority of the property taxpayers, who must also in all respects be qualified electors, therein voting at an election provided by law to be held for that purpose, the value of the taxable property therein to be ascertained by the last assessment for state and county

SEC. 9. Every law which imposes, continues, or revives a tax shall distinctly state the tax and the objects for which it shall be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 10. No tax shall be laid or appropriation of public money made in aid of any church, or private or sectarian school, or any public service corporation.

SEC. 11. The manner, method and mode of assessing, equalizing and levying taxes in the State of Arizona shall be such as may be prescribed by law.[7]

SEC. 12. The law-making power shall have authority to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes, also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes, stamp, registration, production, or other specific taxes.

ARTICLE X.

STATE AND SCHOOL LANDS.

SEC. 1. All lands expressly transferred and confirmed to the State by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the State and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the State, shall be by the State accepted and held in trust to be disposed of in whole or in part, only in manner as in the said Enabling Act and in this Constitution provided, and for the several objects specified in the respective granting and confirmatory provisions. The natural products and money proceeds of any of said lands shall be subject to the same trusts as the lands producing the same.

SEC. 2. Disposition of any of said lands, or of any money or thing of value directly or indirectly derived therefrom, for any object other than that for which such particular lands (or the lands from which such money or thing of value shall have been derived) were granted or confirmed, or in any manner contrary to the provisions of the said Enabling Act, shall be deemed a breach of trust.

SEC. 3. No mortgage or other incumbrance of the said lands, or any thereof, shall be valid in favor of any person or for any purpose or under any circumstances whatsoever. Said lands shall not be sold or leased, in whole or in part, except to the highest and best bidder at a public auction to be held at the county seat of the county wherein the lands to be affected, or the major portion thereof, shall lie, notice of which public auction shall first have been duly given by advertisement, which shall set forth the nature, time, and place of the transaction to be had, with a full description of the lands to be offered, and be published once each week for not less than ten successive weeks in a newspaper of general circulation published regularly at the State Capital, and in that newspaper of like circulation which shall then be regularly published nearest to the location of such lands so offered; nor shall any sale or contract for the sale of any timber or other natural product of such lands be made, save at the place, in the manner, and after the notice by publication thus pro-

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purposes, previous to incurring such indebtedness; except that in incorporated cities and towns assessments shall be taken from the last assessment for city or town purposes, provided, that any incorporated city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, or sewers, when the works for supplying such water, light, or sewers are or shall be owned and controlled by the municipality.

[7]Proposed by the legislature at the regular session of 1912, ratified by the voters on November 5, and proclaimed by the governor on December 5, 1912. The text of the original section is as follows: Sec. 11. There shall be a State board of equalization, which, until otherwise provided by law, shall consist of the chairmen of the boards of supervisors in the various counties of the State; and the State auditor, who shall be ex officio chairman thereof; and there shall also be in each county of the State a county board of equalization consisting of the board of supervisors of said county. The duty of the State board of equalization shall be to adjust and equalize the valuation of the real and personal property among the several counties of the State. The duty of the county boards of equalization shall be to adjust and equalize the valuation of real and personal property within their respective counties. Each board shall also perform such other duties as may be prescribed by law.

vided for sales and leases of the lands themselves: Provided, that nothing herein contained shall prevent the leasing of said lands referred to in this Article, for a term of five years or less, without said advertisement herein required.

SEC. 4. All lands, lease-holds, timber, and other products of land, before being offered, shall be appraised at their true value, and no sale or other disposal thereof shall be made for a consideration less than the value so ascertained, nor in any case less than the minimum price hereinafter fixed, nor upon credit unless accompanied by ample security, and the legal title shall not be deemed to have passed until the consideration shall have been paid.

SEC. 5. No lands shall be sold for less than three dollars per acre, and no lands which are or shall be susceptible of irrigation under any projects now or hereafter completed or adopted by the United States under legislation for the reclamation of lands, or under any other project for the reclamation of lands, shall be sold at less than twenty-five dollars per acre; Provided, that the State, at the request of the Secretary of the Interior, shall from time to time relinquish such of its lands to the United States as at any time are needed for irrigation works in connection with any such Government project, and other lands in lieu thereof shall be selected from lands of the character named and in the manner prescribed in Section Twenty-four of the said Enabling Act.

SEC. 6. No lands reserved and excepted of the lands granted to this State by the United States, actually or prospectively valuable for the development of water powers or power for hydro-electric use or transmission, which shall be ascertained and designated by the Secretary of the Interior within five years after the proclamation of the President declaring the admission of the State, shall be subject to any disposition whatsoever by the State or by any officer of the State, and any conveyance or transfer of such lands made within said five years shall be null and void.

SEC. 7. A separate fund shall be established for each of the several objects for which the said grants are made and confirmed by the said Enabling Act to the State, and whenever any moneys shall be in any manner derived from any of said lands, the same shall be deposited by the State Treasurer in the fund corresponding to the grant under which the particular land producing such moneys was, by said Enabling Act, conveyed or confirmed. No moneys shall ever be taken from one fund for deposit in any other, or for any object other than that for which the land producing the same was granted or confirmed. The State Treasurer shall keep all such moneys invested in safe, interest-bearing securities, which securities shall be approved by the Governor and Secretary of State, and shall at all times be under a good and sufficient bond or bonds conditioned for the faithful performance of his duties in regard thereto.

SEC. 8. Every sale, lease, conveyance, or contract of or concerning any of the lands granted or confirmed, or the use thereof or the natural products thereof made to this State by the said Enabling Act, not made in substantial conformity with the provisions thereof, shall be null and void.

SEC. 9. All lands expressly transferred and confirmed to the State, by the provisions of the Enabling Act approved June 20, 1910, including all lands granted to the State, and all lands heretofore granted to the Territory of Arizona, and all lands otherwise acquired by the State, may be sold or leased by the State in the manner, and on the conditions, and with the limitations, prescribed by the said Enabling Act and this Constitution, and as may be further prescribed by law; Provided, that the Legislature shall provide for the separate appraisement of the lands and of the improvements on school and university lands which have been held under lease prior to the adoption of this Constitution, and for reimbursement to the actual bona fide residents or lessees of such lands upon which such improvements are situated, as prescribed by Title 65, Civil Code of Arizona, 1901, and in such cases only as permit reimbursements to lessees in said Title 65.

SEC. 10. The Legislature shall provide by proper laws for the sale of all

State lands or the lease of such lands for terms not longer than five years, and shall further provide by said laws for the protection of the actual bona fide residents and lessees of said lands, whereby such residents and lessees shall be protected in their rights to their improvements, including water rights, in such manner that in case of lease to other parties, the former lessee shall be paid by the succeeding lessee the value of said improvements and rights, and actual bona fide residents and lessees shall have preference to renewal of their leases at a reassessed rental, fixed as provided by law.

SEC. 11. No individual, corporation, or association shall ever be allowed to purchase or lease more than one hundred and sixty acres of agricultural land, or more than six hundred and forty acres of grazing land.

ARTICLE XI.

EDUCATION.

SEC. 1. The Legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, industrial schools, and a university (which shall include an agricultural college, a school of mines, and such other technical schools as may be essential, until such time as it may be deemed advisable to establish separate State institutions of such character.) The Legislature shall also enact such laws as shall provide for the education and care of the deaf, dumb, and blind.

SEC. 2. The general conduct and supervision of the public school system shall be vested in a State Board of Education, a State Superintendent of Public Instruction, county school superintendents, and such governing boards for the State institutions as may be provided by law.

SEC. 3. The State Board of Education shall be composed of the following members: the Governor, the Superintendent of Public Instruction, the President of the University, and principals of the State normal schools, as ex-officio members, and a city superintendent of schools, a principal of a high school, and a county superintendent of schools, to be appointed by the Governor. The powers and duties of the Board shall be such as may be prescribed by law. The members of the Board shall serve without pay, but all their necessary expenses incurred in attending the meetings of the Board, and for printing, shall be provided for by law.

SEC. 4. The State Superintendent of Public Instruction shall be a member, and secretary, of the State Board of Education, and, ex-officio, a member of any other board having control of public instruction in any State institution. His powers and duties shall be prescribed by law.

SEC. 5. The regents of the University, and the governing boards of other State educational institutions, shall be appointed by the Governor, except that the Governor shall be, ex-officio, a member of the board of regents of the University.

SEC. 6. The University and all other State educational institutions shall be open to students of both sexes, and the instruction furnished shall be as nearly free as possible.

The Legislature shall provide for a system of common schools by which a free school shall be established and maintained in every school district for at least six months in each year, which school shall be open to all pupils between the ages of six and twenty-one years.

SEC. 7. No sectarian instruction shall be imparted in any school or State educational institution that may be established under this Constitution, and no religious or political test or qualification shall ever be required as a condition of admission into any public educational institution of the State, as teacher, student, or pupil; but the liberty of conscience hereby secured shall not be so construed as to justify practices or conduct inconsistent with the good order, peace, morality, or safety of the State, or with the rights of others.

SEC. 8. A permanent State school fund for the use of the common schools shall be derived from the sale of public school lands or other public lands

specified in the Enabling Act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the State; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts, devises, or bequests made to the State for general educational purposes.

The income derived from the investment of the permanent State school fund, and from the rental derived from school lands, with such other funds as may be provided by law shall be apportioned annually to the various counties of the State in proportion to the number of pupils of school age residing therein.

SEC. 9. The amount of this apportionment shall become a part of the county school fund, and the Legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of six months in every school year. The laws of the State shall enable cities and towns to maintain free high schools, industrial schools, and commercial schools.

SEC. 10. The revenue for the maintenance of the respective State educational institutions shall be derived from the investment of the proceeds of the sale, and from the rental of such lands as have been set aside by the Enabling Act approved June 20, 1910, or other legislative enactment of the United States, for the use and benefit of the respective State educational institutions. In addition to such income the Legislature shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all State educational institutions, and shall make such special appropriations as shall provide for their development and improvement.

ARTICLE XII.

COUNTIES.

SEC. 1. Each county of the State, now or hereafter organized, shall be a body politic and corporate.

SEC. 2. The several counties of the Territory of Arizona as fixed by statute at the time of the adoption of this Constitution are hereby declared to be the counties of the State until changed by law.

SEC. 3. Subject to change by law, there are hereby created in and for each organized county of the State the following officers who shall be elected by the qualified electors thereof: Sheriff, Recorder, Treasurer, School Superintendent, County Attorney, Assessor, County Superintendent of Roads, and Surveyor, each of whom shall be elected for a term of two years, except that such officers elected at the first election for State and county officers shall serve until the first Monday in January, 1913; and three Supervisors, whose term of office shall be provided by law, except that at the first election for county officers the candidate for Supervisor receiving the highest number of votes shall hold office until the first Monday in January, 1915, and the two candidates for Supervisor, respectively, receiving the next highest number of votes shall hold office until the first Monday in January, 1913.

SEC. 4. The duties, powers, and qualifications of such officers shall be as prescribed by law. The Board of Supervisors of each county is hereby empowered to fix salaries for all county and precinct officers within such county for whom no compensation is provided by law, and the salaries so fixed shall remain in full force and effect until changed by general law.

ARTICLE XIII.

MUNICIPAL CORPORATIONS.

SEC. 1. Municipal corporations shall not be created by special laws, but the Legislature, by general laws, shall provide for the incorporation and organization of cities and towns and for the classification of such cities and towns in proportion to population, subject to the provisions of this Article.

SEC. 2. Any city containing, now or hereafter, a population of more than three thousand five hundred may frame a charter for its own government

consistent with, and subject to, the Constitution and the laws of the State, in the following manner: A board of freeholders composed of fourteen qualified electors of said city may be elected at large by the qualified electors thereof, at a general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city. Such proposed charter shall be signed in duplicate by the members of such board, or a majority of them, and filed, one copy of said proposed charter with the chief executive officer of such city and the other with the county recorder of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published, and of general circulation, within said city for at least twenty-one days if in a daily paper, or in three consecutive issues if in a weekly paper, and the first publication shall be made within twenty days after the completion of the proposed charter. Within thirty days, and not earlier than twenty days, after such publication, said proposed charter shall be submitted to the vote of the qualified electors of said city at a general or special election. If a majority of such qualified electors voting thereon shall ratify such proposed charter, it shall thereupon be submitted to the Governor for his approval, and the Governor shall approve it if it shall not be in conflict with this Constitution or with the laws of the State. Upon such approval said charter shall become the organic law of such city and supersede any charter then existing (and all amendments thereto), and all ordinances inconsistent with said new charter. A copy of such charter, certified by the chief executive officer, and authenticated by the seal, of such city, together with a statement similarly certified and authenticated setting forth the submission of such charter to the electors and its ratification by them, shall, after the approval of such charter by the Governor, be made in duplicate and filed, one copy in the office of the Secretary of State and the other in the archives of the city after being recorded in the office of said County Recorder. Thereafter all courts shall take judicial notice of said charter.

The charter so ratified may be amended by amendments proposed and submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided), at a general or special election, and ratified by a majority of the qualified electors voting thereon and approved by the Governor as herein provided for the approval of the charter.

SEC. 3. An election of such board of freeholders may be called at any time by the legislative authority of any such city. Such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding such election, signed by a number of qualified electors residing within such city equal to twenty-five per centum of the total number of votes cast at the next preceding general municipal election. Such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question whether further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceedings shall be had, and all proceedings up to the time of said election shall be of no effect.

SEC. 4. No municipal corporation shall ever grant, extend, or renew a franchise without the approval of a majority of the qualified electors residing within its corporate limits who shall vote thereon at a general or special election, and the legislative body of any such corporation shall submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice. No franchise shall be granted, extended, or renewed for a longer time than twenty-five years.

SEC. 5. Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said municipal corporation.

SEC. 6. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds, or ways, of any municipality shall

divest the State or any of its subdivisions of its or their control and regulation of such use and enjoyment; nor shall the power to regulate charges for public services be surrendered; and no exclusive franchise shall ever be granted.

ARTICLE XIV.

CORPORATIONS OTHER THAN MUNICIPAL.

SEC. 1. The term "corporation," as used in this Article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or co-partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 2. Corporations may be formed under general laws, but shall not be created by special Acts. Laws relating to corporations may be altered, amended, or repealed at any time, and all corporations doing business in this State may, as to such business, be regulated, limited, and restrained by law.

SEC. 3. All existing charters under which a bona fide organization shall not have taken place and business commenced in good faith within six months from the time of the approval of this Constitution shall thereafter have no validity.

SEC. 4. No corporation shall engage in any business other than that expressly authorized in its charter or by the law under which it may have been or may hereafter be organized.

SEC. 5. No corporation organized outside of the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law for similar corporations organized under the laws of this State; and no foreign corporation shall be permitted to transact business within this State unless said foreign corporation is by the laws of the country, State, or Territory under which it is formed permitted to transact a like business in such country, State, or Territory.

SEC. 6. No corporation shall issue stock, except to bona fide subscribers therefor or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or for labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock of any corporation without the consent of the person or persons holding the larger amount in value of the stock of such corporation, nor without due notice of the proposed increase having been given as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SEC. 7. No corporation shall lease or alienate any franchise so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or of any of its privileges.

SEC. 8. No domestic or foreign corporation shall do any business in this State without having filed its articles of incorporation or a certified copy thereof with the Corporation Commission, and without having one or more known places of business and an authorized agent, or agents, in the State upon whom process may be served. Suit may be maintained against a foreign corporation in the county where an agent of such corporation may be found, or in the county where the cause of action may arise.

SEC. 9. The right of exercising eminent domain shall never be so abridged or construed as to prevent the State from taking the property and the franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SEC. 10. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more such candidates; and such directors or managers shall not be elected otherwise.

SEC. 11. The shareholders or stockholders of every banking or insurance corporation or association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock.

SEC. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive, or assent to, the reception of any deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits.

SEC. 13. No persons acting as a corporation under the laws of Arizona shall be permitted to set up, or rely upon, the want of a legal organization as a defense to any action which may be brought against them as a corporation, nor shall any person or persons who may be sued on a contract now or hereafter made with such corporation, or sued for any injury now or hereafter done to its property, or for a wrong done to its interests, be permitted to rely upon such want of legal organization in his or their defense.

SEC. 14. This Article shall not be construed to deny the right of the legislative power to impose other conditions upon corporations than those herein contained.

SEC. 15. Monopolies and trusts shall never be allowed in this State, and no incorporated company, co-partnership, or association of persons in this State shall directly or indirectly combine or make any contract, with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders or with any co-partnership or association of persons, or, in any manner whatever, to fix the prices, limit the production, or regulate the transportation of any product or commodity. The Legislature shall enact laws for the enforcement of this Section by adequate penalties, and in the case of incorporated companies, if necessary for that purpose, may, as a penalty declare a forfeiture of their franchises.

SEC. 16. The records, books, and files of all public service corporations, State banks, building and loan associations, trust, insurance, and guaranty companies shall be at all times liable and subject to the full visitorial and inquisitorial powers of the State, notwithstanding the immunities and privileges secured in the Declaration of Rights of the Constitution to persons, inhabitants, and citizens of this State.

SEC. 17. Provision shall be made by law for the payment of a fee to the State by every domestic corporation, upon the grant, amendment, or extension of its charter, and by every foreign corporation upon its obtaining a license to do business in this State; and also for the payment, by every domestic corporation and foreign corporation doing business in this State, of an annual registration fee of not less than ten dollars, which fee shall be paid irrespective of any specific license or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation, at the time of paying such fee, of such report to the Corporation Commission of the status, business, or condition of such corporation, as may be prescribed by law. No foreign corporation shall have authority to do business in this State, until it shall have obtained from the Corporation Commission a license to do business in the State, upon such terms as may be prescribed by law. The Legislature may relieve any purely charitable, social, fraternal, benevolent, or religious institution from the payment of such annual registration fee.

SEC. 18. It shall be unlawful for any corporation, organized or doing business in this State, to make any contribution of money or anything of value for the purpose of influencing any election or official action.

SEC. 19. Suitable penalties shall be prescribed by law for the violation of any of the provisions of this Article.

ARTICLE XV.

THE CORPORATION COMMISSION.

SEC. 1. A Corporation Commission is hereby created to be composed of three persons, who shall be elected at the general election to be held under the provisions of the Enabling Act approved June 20, 1910, and whose term of office shall be co-terminous with that of the Governor of the State elected at the same time, and who shall maintain their chief office, and reside, at the State Capital. At the first general State election held under this Constitution at which a Governor is voted for, three commissioners shall be elected who shall, from and after the first Monday in January next succeeding said election, hold office as follows:

The one receiving the highest number of votes shall serve six years, and the one receiving the second highest number of votes shall serve four years, and the one receiving the third highest number of votes shall serve two years. And one commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor shall appoint a commissioner to fill such vacancy. Such appointed commissioner shall fill such vacancy until a commissioner shall be elected at a general election as provided by law, and shall qualify. The qualifications of commissioners may be prescribed by law.

SEC. 2. All corporations other than municipal engaged in carrying persons or property for hire; or in furnishing gas, oil, or electricity for light, fuel, or power; or in furnishing water for irrigation, fire protection, or other public purposes; or in furnishing, for profit, hot or cold air or steam for heating or cooling purposes; or in transmitting messages or furnishing public telegraph or telephone service, and all corporations other than municipal, operating as common carriers, shall be deemed public service corporations.

SEC. 3. The Corporation Commission shall have full power to, and shall, prescribe just and reasonable classifications to be used, and just and reasonable rates and charges to be made and collected, by public service corporations within the State for service rendered therein, and make reasonable rules, regulations, and orders, by which such corporations shall be governed in the transaction of business within the State, and may prescribe the forms of contracts and the systems of keeping accounts to be used by such corporations in transacting such business, and make and enforce reasonable rules, regulations, and orders for the convenience, comfort, and safety, and the preservation of the health, of the employees and patrons of such corporations; Provided, that incorporated cities and towns may be authorized by law to exercise supervision over public service corporations doing business therein, including the regulation of rates and charges to be made and collected by such corporations; Provided further, that classifications, rates, charges, rules, regulations, orders, and forms or systems prescribed or made by said Corporation Commission may from time to time be amended or repealed by such Commission.

SEC. 4. The Corporation Commission, and the several members thereof, shall have power to inspect and investigate the property, books, papers, business methods, and affairs of any corporation whose stock shall be offered for sale to the public, and of any public service corporation doing business within the State, and for the purpose of the Commission, and of the several members thereof, shall have the power of a court of general jurisdiction to enforce the attendance of witnesses and the production of evidence by subpœna, attachment, and punishment, which said power shall extend throughout the State. Said Commission shall have power to take testimony under commission or deposition either within or without the State.

SEC. 5. The Corporation Commission shall have the sole power to issue certificates of incorporation to companies organizing under the laws of this State, and to issue licenses to foreign corporations to do business in this State, as may be prescribed by law.

SEC. 6. The law-making power may enlarge the powers and extend the duties of the Corporation Commission, and may prescribe rules and regulations to govern proceedings instituted by and before it; but, until such rules and

regulations are provided by law, the Commission may make rules and regulations to govern such proceedings.

SEC. 7. Every public service corporation organized or authorized under the laws of the State to do any transportation or transmission business within the State shall have the right to construct and operate lines connecting any points within the State, and to connect at the State boundaries with like lines; and every such corporation shall have the right with any of its lines to cross, intersect, or connect with, any lines of any other public service corporation.

SEC. 8. Every public service corporation doing a transportation business within the State shall receive and transport, without delay or discrimination, cars loaded or empty, property, or passengers delivered to it by any other public service corporation doing a similar business, and deliver cars, loaded or empty, without delay or discrimination, to other transportation corporations, under such regulations as shall be prescribed by the Corporation Commission, or by law.

SEC. 9. Every public service corporation engaged in the business of transmitting messages for profit shall receive and transmit, without delay or discrimination, any messages delivered to it by any other public service corporation engaged in the business of transmitting messages for profit, and shall, with its lines, make physical connection with the lines of any public service corporation engaged in the business of transmitting messages for profit, under such rules and regulations as shall be prescribed by the Corporation Commission, or by law; Provided, that such public service corporations shall deliver messages to other such corporations, without delay or discrimination, under such rules and regulations as shall be prescribed by the Corporation Commission, or by law.

SEC. 10. Railways heretofore constructed, or that may hereafter be constructed, in this State, are hereby declared public highways, and all railroad, car, express, electric, transmission, telegraph, telephone, or pipe line corporations, for the transportation of persons, or of electricity, messages, water, oil, or other property for profit, are declared to be common carriers and subject to control by law.

SEC. 11. The rolling stock and all other movable property belonging to any public service corporation in this State, shall be considered personal property, and its real and personal property, and every part thereof, shall be liable to attachment, execution, and sale in the same manner as the property of individuals; and the law-making power shall enact no laws exempting any such property from attachment, execution, or sale.

SEC. 12. All charges made for service rendered, or to be rendered, by public service corporations within this State shall be just and reasonable, and no discrimination in charges, service, or facilities shall be made between persons or places for rendering a like and contemporaneous service, except that the granting of free or reduced rate transportation may be authorized by law, or by the Corporation Commission, to the classes of persons described in the Act of Congress approved February 11, 1887, entitled "An Act to Regulate Commerce," and the amendments thereto, as those to whom free or reduced rate transportation may be granted.

SEC. 13. All public service corporations and corporations whose stock shall be offered for sale to the public shall make such reports to the Corporation Commission, under oath, and provide such information concerning their acts and operations as may be required by law, or by the Corporation Commission.

SEC. 14. The Corporation Commission shall, to aid it in the proper discharge of its duties, ascertain the fair value of the property within the State of every public service corporation doing business therein; and every public service corporation doing business within the State shall furnish to the Commission all evidence in its possession, and all assistance in its power, requested by the commission in aid of the determination of the value of the property within the State of such public service corporation.

SEC. 15. No public service corporation in existence at the time of the admission of this State into the Union shall have the benefit of any future

legislation except on condition of complete acceptance of all provisions of this Constitution applicable to public service corporations.

SEC. 16. If any public service corporation shall violate any of the rules, regulations, orders, or decisions of the Corporation Commission, such corporation shall forfeit and pay to the State not less than one hundred dollars nor more than five thousand dollars for each such violation, to be recovered before any court of competent jurisdiction.

SEC. 17. Nothing herein shall be construed as denying to public service corporations the right of appeal to the courts of the State from the rules, regulations, orders, or decrees fixed by the Corporation Commission, but the rules, regulations, orders, or decrees so fixed shall remain in force pending the decision of the courts.

SEC. 18. Until otherwise provided by law, each Commissioner shall receive a salary of three thousand dollars a year, together with his actual necessary expenses when away from home in the discharge of the duties of his office.

SEC. 19. The Corporation Commission shall have the power and authority to enforce its rules, regulations, and orders by the imposition of such fines as it may deem just, within the limitations prescribed in Section 16 of this Article.

ARTICLE XVI.

MILITIA.

SEC. 1. The militia of the State of Arizona shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, and of those between said ages who shall have declared their intention to become citizens of the United States, residing therein, subject to such exemptions as now exist, or as may hereafter be created, by the laws of the United States or of this State.

SEC. 2. The organized militia shall be designated "The National Guard of Arizona," and shall consist of such organized military bodies as now exist under the laws of the Territory of Arizona or as may hereafter be authorized by law.

SEC. 3. The organization, equipment, and discipline of the National Guard shall conform as nearly as shall be practicable to the regulations for the government of the armies of the United States.

ARTICLE XVII.

WATER RIGHTS.

SEC. 1. The common law doctrine of riparian water rights shall not obtain or be of any force or effect in the State.

SEC. 2. All existing rights to the use of any of the waters in the State for all useful or beneficial purposes are hereby recognized and confirmed.

ARTICLE XVIII.

LABOR.

SEC. 1. Eight hours and no more, shall constitute a lawful day's work in all employment by, or on behalf of, the State or any political subdivision of the State. The Legislature shall enact such laws as may be necessary to put this provision into effect, and shall prescribe proper penalties for any violations of said laws.

SEC. 2. No child under the age of fourteen years shall be employed in any gainful occupation at any time during the hours in which the public schools of the district in which the child resides are in session; nor shall any child under sixteen years of age be employed underground in mines, or in any occupation injurious to health or morals or hazardous to life or limb; nor in any occupation at night, or for more than eight hours in any day.

SEC. 3. It shall be unlawful for any person, company, association, or corporation to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement whereby such person,

company, association, or corporation shall be released or discharged from liability or responsibility on account of personal injuries which may be received by such servants or employees while in the service or employment of such person, company, association, or corporation, by reason of the negligence of such person, company, association, corporation, or the agents or employees thereof; and any such contract or agreement if made, shall be null and void.

SEC. 4. The common law doctrine of fellow servant, so far as it affects the liability of a master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master is forever abrogated.

SEC. 5. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact and shall, at all times, be left to the jury.

SEC. 6. The right of action to recover damages for injuries shall never be abrogated, and the amount recovered shall not be subject to any statutory limitation.

SEC. 7. To protect the safety of employees in all hazardous occupations, in mining, smelting, manufacturing, railroad or street railway transportation, or any other industry the Legislature shall enact an Employer's Liability law, by the terms of which any employer, whether individual, association, or corporation shall be liable for the death or injury, caused by any accident due to a condition or conditions of such occupation, of any employee in the service of such employer in such hazardous occupation, in all cases in which such death or injury of such employee shall not have been caused by the negligence of the employee killed or injured.

SEC. 8. The Legislature shall enact a Workmen's Compulsory Compensation law applicable to workmen engaged in manual or mechanical labor in such employments as the Legislature may determine to be especially dangerous, by which compulsory compensation shall be required to be paid to any such workman by his employer, if in the course of such employment personal injury to any such workman from any accident arising out of, and in the course of, such employment is caused in whole, or in part, or is contributed to, by a necessary risk or danger of such employment, or a necessary risk or danger inherent in the nature thereof, or by failure of such employer, or any of his or its officers, agents, or employee, or employees, to exercise due care, or to comply with any law affecting such employment; Provided, that it shall be optional with said employee to settle for such compensation, or retain the right to sue said employer as provided by this Constitution.

SEC. 9. The exchange, solicitation, or giving out of any labor "black list" is hereby prohibited, and suitable laws shall be enacted to put this provision into effect.

SEC. 10. No person not a citizen or ward of the United States, or who has not declared his intention to become a citizen, shall be employed upon, or in connection with, any State, county, or municipal works or employment; Provided, that nothing herein shall be construed to prevent the working of prisoners by the State, or by any municipality thereof, on street or road work, or other public work. The Legislature shall enact laws for the enforcement, and shall provide for the punishment of any violation, of this section.

ARTICLE XIX.

MINES.

The office of Mine Inspector is hereby established. The Legislature, at its first session, shall enact laws so regulating the operation and equipment of all mines in the State as to provide for the health and safety of workers therein and in connection therewith, and fixing the duties of said office. Upon approval of such laws by the Governor, the Governor, with the advice and consent of the Senate, shall forthwith appoint a Mine Inspector, who shall serve until his successor shall have been elected at the first general election thereafter and shall qualify. Said successor and all subsequent incumbents of said office shall be elected at general elections, and shall serve for two years.

ARTICLE XX.

ORDINANCE.

The following ordinance shall be irrevocable without the consent of the United States and the people of this State:

First. Perfect toleration of religious sentiment shall be secured to every inhabitant of this State, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship, or lack of the same.

Second. Polygamous or plural marriages, or polygamous cohabitation, are forever prohibited within this State.

Third. The sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country are forever prohibited within this State.

Fourth. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that, until the title of such Indian or Indian tribes shall have been extinguished, the same shall be, and remain, subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States.

Fifth. The lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property situated in this State belonging to residents thereof, and no taxes shall be imposed by this State upon lands or property situated in the State belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein shall preclude the State from taxing as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by any Indian, save and except such lands as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indian or Indians under any Act of Congress, but all such lands shall be exempt from taxation so long and to such extent as Congress has prescribed or may hereafter prescribe.

Sixth. The debts and liabilities of the Territory of Arizona, and the debts of the counties thereof, valid and subsisting at the time of the passage of the Enabling Act approved June 20, 1910, are hereby assumed and shall be paid by the State of Arizona, and the State of Arizona shall, as to all such debts and liabilities, be subrogated to all the rights, including rights of indemnity and reimbursement, existing in favor of said Territory or of any of the several counties thereof, at the time of the passage of the said Enabling Act; Provided, that nothing in this ordinance shall be construed as validating or in any manner legalizing any Territorial, county, municipal, or other bonds, obligations, or evidences of indebtedness of said Territory or the counties or municipalities thereof which now are or may be invalid or illegal at the time the said State of Arizona is admitted as a State, and the Legislature or the people of the State of Arizona shall never pass any law in any manner validating or legalizing the same.

Seventh. Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and be free from sectarian control, and said schools shall always be conducted in English.

The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of serviture.

Eighth. The ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter, shall be a necessary qualification for all State officers and members of the State Legislature.

Ninth. The capital of the State of Arizona, until changed by the electors voting at an election provided for by the Legislature for that purpose, shall be

at the City of Phoenix, but no such election shall be called or provided for prior to the thirty-first day of December, nineteen hundred and twenty-five.

Tenth. There are hereby reserved to the United States, with full acquiescence of this State, all rights and powers for the carrying out of the provisions by the United States of the Act of Congress entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and Acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

Eleventh. Whenever hereafter any of the lands contained within Indian reservations or allotments in this State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject, for a period of twenty-five years after such allotment, sale, reservation, or other disposal, to all the laws of the United States prohibiting the introduction of liquor into the Indian country.

Twelfth. The State of Arizona and its people hereby consent to all and singular the provisions of the Enabling Act approved June 20, 1910, concerning the lands thereby granted or confirmed to the State, the terms and conditions upon which said grants and confirmations are made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in the aforesaid Enabling Act provided.

Thirteenth. This ordinance is hereby made a part of the Constitution of the State of Arizona, and no future Constitutional amendment shall be made which in any manner changes or abrogates this ordinance in whole or in part without the consent of Congress.

ARTICLE XXI.

MODE OF AMENDING.

SEC. 1. Any amendment or amendments to this Constitution may be proposed in either House of the Legislature, or by Initiative Petition signed by a number of qualified electors equal to fifteen per centum of the total number of votes for all candidates for Governor at the last preceding general election.

Any proposed amendment or amendments which shall be introduced in either House of the Legislature, and which shall be approved by a majority of the members elected to each of the two Houses, shall be entered on the journal of each House, together with the ayes and nays thereon. When any proposed amendment or amendments shall be thus passed by a majority of each House of the Legislature and entered on the respective journals thereof, or when any elector or electors shall file with the Secretary of State any proposed amendment or amendments together with a petition therefor signed by a number of electors equal to fifteen per centum of the total number of votes for all candidates for Governor in the last preceding general election, the Secretary of State shall submit such proposed amendment or amendments to the vote of the people at the next general election (except when the Legislature shall call a special election for the purpose of having said proposed amendment or amendments voted upon, in which case the Secretary of State shall submit such proposed amendment or amendments to the qualified electors at said special election), and if a majority of the qualified electors voting thereon shall approve and ratify such proposed amendment or amendments in said regular or special election such amendment or amendments shall become a part of this Constitution. Until a method of publicity is otherwise provided by law the Secretary of State shall have such proposed amendment or amendments published for a period of at least ninety days previous to the date of said election in at least one newspaper in every county of the State in which a newspaper shall be published, in such manner as may be prescribed by law. If more than one proposed amendment shall be submitted at any election, such proposed amendments shall be submitted in such manner that the electors may vote for or against such proposed amendments separately.

SEC. 2. No Convention shall be called by the Legislature to propose alterations, revisions, or amendments to this Constitution, or to propose a new

Constitution, unless laws providing for such Convention shall first be approved by the people on a Referendum vote at a regular or special election, and any amendments, alterations, revisions, or new Constitution proposed by such Convention shall be submitted to the electors of the State at a general or special election and be approved by the majority of the electors voting thereon before the same shall become effective.

ARTICLE XXII.

SCHEDULE AND MISCELLANEOUS.

SEC. 1. No rights, actions, suits, proceedings, contracts, claims, or demands, existing at the time of the admission of this State into the Union, shall be affected by a change in the form of government, from Territorial to State, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Arizona, previous to its admission into the Union, shall be as valid as if issued in the name of the State.

SEC. 2. All laws of the Territory of Arizona now in force, not repugnant to this Constitution, shall remain in force as laws of the State of Arizona until they expire by their own limitations or are altered or repealed by law; Provided, that wherever the word Territory, meaning the Territory of Arizona, appears in said laws, the word State shall be substituted.

SEC. 3. All debts, fines, penalties, and forfeitures which have accrued, or may hereafter accrue, to the Territory of Arizona shall inure to the State of Arizona.

SEC. 4. All recognizances heretofore taken, or which may be taken, before the change from a Territorial to a State government, shall remain valid, and shall pass to and may be prosecuted in the name of the State, and all bonds executed to the Territory of Arizona, or to any county or municipal corporation, or to any officer, or court, in his or its official capacity, shall pass to the State authorities and their successors in office for the uses therein expressed, and may be sued for and recovered accordingly; and all the estate, real, personal, and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims, demands or debts of whatever description, belonging to the Territory of Arizona, shall inure to and vest in the State of Arizona, and may be sued for and recovered by the State of Arizona in the same manner, and to the same extent, as the same might or could have been by the Territory of Arizona.

SEC. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Arizona before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name, and by the authority, of the State of Arizona, with like effect as though such change had not taken place, and all penalties incurred and punishments inflicted shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Arizona at the time of the change from a Territorial to a State government, shall be continued and transferred to the court of the State, or of the United States, having jurisdiction thereof.

SEC. 6. All Territorial, district, county, and precinct officers who may be in office at the time of the admission of the State into the Union shall hold their respective offices until their successors shall have qualified, and the official bonds of all such officers shall continue in full force and effect while such officers remain in office.

SEC. 7. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution, shall have qualified, the several causes then pending in the district court of the Territory, and in and for such county, except such causes as would have been within the ex-

clusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes within such county, and the records, papers, and proceedings of said district court, and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court of such county.

It shall be the duty of the clerk of the district court having custody of such papers, records, and property, to transmit to the clerk of said superior court the original papers in all cases pending in such district and belonging to the jurisdiction of said superior court, together with a transcript, or transcripts, of so much of the record of said district court as shall relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, and as in this Constitution provided, the said district courts, and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial district, respectively, as heretofore, and now, constituted.

SEC. 8. When the State is admitted into the Union, and the superior courts, in their respective counties, are organized, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the superior court of the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order, or other determination, in the several matters and causes with like effect as the probate court might have done if this Constitution had not been adopted.

SEC. 9. Whenever a quorum of the judges of the Supreme Court of the State shall have been elected, and qualified, and shall have taken office, under this Constitution, the causes then pending in the Supreme Court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States courts, had such courts existed at the time of the commencement of such causes, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the State, and until so superseded, the Supreme Court of the Territory, and the judges thereof, shall continue, with like powers and jurisdiction as if this Constitution had not been adopted, or the State admitted into the Union; and all causes pending in the Supreme Court of the Territory at said time, and which said causes would have been within the exclusive jurisdiction of the United States courts, had such courts existed, at the time of the commencement of such causes, and the papers, records, and proceedings of said court, relating thereto, shall pass into the jurisdiction of the United States courts, all as in the Enabling Act approved June 20, 1910, provided.

SEC. 10. Until otherwise provided by law, the seal now in use in the the Supreme Court of the Territory, shall be the seal of the Supreme Court of the State, except that the word "State" shall be substituted for the word "Territory" on said seal. The seal of the superior courts of the several counties of the State, until otherwise provided by law, shall be the vignette of Abraham Lincoln, with the words "Seal of the Superior Court of----------County, State of Arizona," surrounding the vignette. The seal of municipalities, and of all county officers, in the Territory, shall be the seals of such municipalities and county officers, respectively, under the State, until otherwise provided by law, except that the word "Territory," or "Territory of Arizona," be changed to read "State" or "State of Arizona," where the same may appear on any such seals.

SEC. 11. The provisions of this Constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Arizona admitted into the Union.

SEC. 12. One Representative in the Congress of the United States shall be elected from the State at large, and at the same election at which officers shall be elected under the Enabling Act, approved June 20, 1910, and, thereafter, at such times and in such manner as may be prescribed by law.

SEC. 13. The term of office of every officer to be elected or appointed under this Constitution or the laws of Arizona shall extend until his successor shall be elected and shall qualify.

SEC. 14. Any law which may be enacted by the Legislature under this Constitution may be enacted by the people under the Initiative. Any law which may not be enacted by the Legislature under this Constitution shall not be enacted by the people.

SEC. 15. Reformatory and penal institutions, and institutions for the benefit of the insane, blind, deaf, and mute, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

SEC. 16. It shall be unlawful to confine any minor under the age of eighteen years, accused or convicted of crime, in the same section of any jail or prison in which adult prisoners are confined. Suitable quarters shall be prepared for the confinement of such minors.

SEC. 17. All State and county officers (except notaries public) and all justices of the peace and constables, whose precinct includes a city or town or part thereof, shall be paid fixed and definite salaries, and they shall receive no fees for their own use.

SEC. 18. A State Examiner, who shall be a skilled accountant, shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of two years. The State Examiner shall examine the books and accounts of such public officers, and perform such other duties, and have such other powers, as may be prescribed by law.

SEC. 19. The Legislature shall enact laws and adopt rules prohibiting the practice of lobbying on the floor of either House of the Legislature, and further regulating the practice of lobbying.

SEC. 20. The seal of the State shall be of the following design: In the background shall be a range of mountains, with the sun rising behind the peaks thereof, and at the right side of the range of mountains there shall be a storage reservoir and a dam, below which in the middle distance are irrigated fields and orchards reaching into the foreground, at the right of which are cattle grazing. To the left in the middle distance on a mountain side is a quartz mill in front of which and in the foreground is a miner standing with pick and shovel. About this device shall be the motto, "Ditat Deus." In a circular band surrounding the whole device shall be inscribed: "Great Seal of The State of Arizona," with the year of admission of the State into the Union.

SEC. 21. The Legislature shall enact all necessary laws to carry into effect the provisions of this Constitution.

ARTICLE XXIII.

PROHIBITION.

SEC. 1. Ardent spirits, ale, beer, wine, or intoxicating liquor or liquors of whatever kind shall not be manufactured in or introduced into the State of Arizona under any pretense. Every person who sells, exchanges, gives, barters, or disposes of any ardent spirits, ale, beer, wine or intoxicating liquor of any kind to any person in the State of Arizona, or who manufactures, or introduces into, or attempts to introduce into the State of Arizona any ardent spirits, ale, beer, wine, or intoxicating liquor of any kind, shall be guilty of a misdemeanor and upon conviction shall be imprisoned for not less than ten days nor more than two years and fined not less than twenty-five dollars and costs nor more than three hundred dollars and costs for each offense; provided, that nothing in this amendment contained shall apply to the manufacture or sale of denatured alcohol.[8]

[8]Proposed by initiative petition, filed in the office of the secretary of state on July 2, ratified by the voters on November 3, 1914, and proclaimed by the governor on December 14, 1914. The amendment became effective on January 1, 1915. Article XXIII is entirely new.

ARTICLE XXIV.

PROHIBITION.

SEC. 1. It shall be unlawful for any person in the State of Arizona to receive, or cause to be received, from without the State of Arizona, for any purpose, any ardent spirits, ale, beer, wine or intoxicating liquors of any kind, and it shall be unlawful for any person in the State of Arizona to have in his possession, for any purpose, any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, which he has introduced or caused to be introduced into the State of Arizona, and it shall be unlawful for any person to transport or cause to be transported, within the state of Arizona, any ardent spirits, ale, beer, wine, or intoxicating liquors of any kind, provided that it shall be lawful for any regularly ordained priest or clergyman of an established church to receive, transport and possess wine to be used only for sacramental purposes, and provided further, that the University of Arizona, through its Board of Regents, may introduce, receive, transport and possess grain alcohol for scientific uses, and may use and may distribute such alcohol under such restrictions and regulations as said Board of Regents may from time to time adopt, to other institutions of research and learning, for scientific uses. And provided further, that nothing herein shall prevent the introduction, transportation and possession of denatured alcohol.

SEC. 2. Every person who shall violate any provision of section one of this article or any rule or regulation made thereunder, shall be guilty of a misdemeanor, and shall be imprisoned for not less than ten days, nor more than two years, and fined not less than twenty-five dollars and costs, and not more than three hundred dollars and costs for each offense; and the liquors received, transported or possessed in violation of section one of this article or manufactured, introduced, or disposed of in violation of Article XXIII of this constitution, shall be by the court ordered publicly destroyed.[9]

Done in open Convention at the City of Phoenix, Territory of Arizona, this 9th day of December, A. D. 1910.

(Signed) GEO. W. P. HUNT,
President of the Constitutional Convention.

(Signed) A. W. COLE,
Secretary of the Constitutional Convention.

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[9]Proposed by initiative petition, filed in the office of the secretary of state on July 6, and ratified by the electors on November 7, 1916. Article XXIV is entirely new.

CONSTITUTION OF ARKANSAS—1874.*

PREAMBLE.

We, the people of the State of Arkansas, grateful to Almighty God for the privilege of choosing our own form of government, for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and posterity, do ordain and establish this constitution.

ARTICLE I.

BOUNDARIES.

We do declare and establish, ratify and confirm, the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning at the middle of the main channel of the Mississippi river, on the parallel of thirty-six degrees of north latitude, running thence west with said parallel of latitude to the middle of the main channel of the St. Francis river; thence up the main channel of said last-named river to the parallel of thirty-six degrees, thirty minutes of north latitude; thence west with the southern boundary line of the State of Missouri to the southwest corner of said last-named state; thence to be bounded on the west to the north bank of Red river, as by act of congress and treaties existing January 1, 1837, defining the western limits of the territory of Arkansas, and to be bounded across and south of Red river by the boundary line of the State of Texas as far as to the northwest corner of the State of Louisiana; thence easterly with the northern boundary line of said last-named state to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said last-named river, including an island in said river known as "Belle Point Island," and all other land originally surveyed and included as a part of the territory or State of Arkansas, to the thirty-sixth degree of north latitude, the place of beginning.

SEAT OF GOVERNMENT.

The seat of government of the State of Arkansas shall be and remain at Little Rock, where it is now established.

ARTICLE II.

DECLARATION OF RIGHTS.

SECTION 1. All political power is inherent in the people, and government is instituted for their protection, security and benefit; and they have the right to alter, reform or abolish the same in such manner as they may think proper.

SEC. 2. All men are created equally free and independent, and have certain inherent and inalienable rights, amongst which are those of enjoying and defending life and liberty; of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 3. The equality of all persons before the law is recognized, and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor exempted from any burden or duty, on account of race, color or previous condition.

SEC. 4. The right of the people peaceably to assemble to consult for the

*The constitution of Arkansas was framed by a convention of delegates which assembled at Little Rock on July 14 and adjourned on September 7, 1874, and it was ratified by the electors on Oct. 13, 1874, by a vote of 78,697 to 24,807. The constitution was submitted as a whole and no proposition was submitted separately. The constitution became effective on Oct. 30, 1874, the date on which the result of the election was announced.

common good, and to petition, by address or remonstrance, the government, any department thereof, shall never be abridged.

SEC. 5. The citizens of this state shall have the right to keep and be arms for their common defense.

SEC. 6. The liberty of the press shall forever remain inviolate. The fr communication of thoughts and opinions is one of the invaluable rights man; and all persons may freely write and publish their sentiments on a subjects, being responsible for the abuse of such right. In all criminal pros cutions for libel the truth may be given in evidence to the jury; and, if shall appear to the jury that the matter charged as libelous is true, and wa published with good motives and for justifiable ends, the party charged sha be acquitted.

SEC. 7. The right of trial by jury shall remain inviolate, and shall exte to all cases at law, without regard to the amount in controversy; but a ju trial may be waived by the parties in all cases in the manner prescribed l law.

SEC. 8. No person shall be held to answer a criminal charge unless o the presentment or indictment of a grand jury, except in cases of impeachmer or cases such as the general assembly shall make cognizable by justices of th peace, and courts of similar juridiction; or cases arising in the army an navy of the United States; or in the militia when in actual service in time o war or public danger; and no person, for the same offense, shall be twice pu in jeopardy of life or liberty; but if, in any criminal prosecution, the jur be divided in opinion, the court before which the trial shall be had may, i its discretion, discharge the jury, and commit or bail the accused for trial a the same or the next term of said court; nor shall any person be compelle in any criminal case, to be a witness against himself; nor be deprived of lif liberty or property, without due process of law. All persons shall, before co viction, be bailable by sufficient sureties, except for capital offenses, when th proof is evident or the presumption great.

SEC. 9. Excessive bail shall not be required, nor shall excessive fines b imposed; nor shall cruel or unusual punishment be inflicted; nor witnesse be unreasonably detained.

SEC. 10. In all criminal prosecutions the accused shall enjoy the right t a speedy and public trial by an impartial jury of the county in which th crime shall have been committed; provided that the venue may be changed t any other county of the judicial district in which the indictment is found, upo the application of the accused, in such a manner as now is, or may be, pre scribed by law; and to be informed of the nature and cause of the accusatio against him, and to have a copy thereof; and to be confronted with the wit nesses against him; to have compulsory process for obtaining witnesses i his favor, and to be heard by himself and his counsel.

SEC. 11. The privilege of the writ of habeas corpus shall not be sus pended, except by the general assembly, in case of rebellion, insurrection o invasion, when the public safety may require it.

SEC. 12. No power of suspending or setting aside the law or laws of th state shall ever be exercised except by the general assembly.

SEC. 13. Every person is entitled to a certain remedy in the laws for all injuries or wrongs he may receive in his person, property or character; he ought to obtain justice freely, and without purchase, completely, and withou denial, promptly and without delay, conformably to the laws.

SEC. 14. Treason against the state shall only consist in levying and mak ing war against the same, or in adhering to its enemies, giving them aid an comfort. No person shall be convicted of treason, unless on the testimony o two witnesses to the same overt act, or on confession in open court.

SEC. 15. The right of the people of this state to be secure in their per sons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue except upon probable cause supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

SEC. 16. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

SEC. 17. No bill of attainder, *ex post facto* law, or law impairing the obligation of contracts shall ever be passed; and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 18. The general assembly shall not grant to any citizen or class of citizens privileges or immunities which upon the same terms shall not equally belong to all citizens.

SEC. 19. Perpetuities and monopolies are contrary to the genius of a republic, and shall not be allowed; nor shall any hereditary emoluments, privileges or honors ever be granted or conferred in this state.

SEC. 20. No distinction shall ever be made by law between resident aliens and citizens in regard to the possession, enjoyment or descent of property.

SEC. 21. No person shall be taken or imprisoned, or disseized of his estate, freehold, liberties or privileges; or outlawed or in any manner destroyed or deprived of his life, liberty or property; except by the judgment of his peers or the law of the land; nor shall any person, under any circumstances, be exiled from the state.

SEC. 22. The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

SEC. 23. The state's ancient right of eminent domain and of taxation is herein fully and expressly conceded; and the general assembly may delegate the taxing power, with the necessary restriction, to the state's subordinate political and municipal corporations to the extent of providing for their existence, maintenance and well being, but no further.

SEC. 24. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can, of right, be compelled to attend, erect or support any place of worship; or to maintain any ministry against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the right of conscience; and no preference shall ever be given, by law, to any religious establishment, denomination or mode of worship above any other.

SEC. 25. Religion, morality and knowledge being essential to good government, the general assembly shall enact suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 26. No religious test shall ever be required of any person as a qualification to vote or hold office, nor shall any person be rendered incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths or affirmations.

SEC. 27. There shall be no slavery in this state, nor involuntary servitude, except as a punishment for crime. No standing army shall be kept in time of peace; the military shall at all times be in strict subordination to the civil power; and no soldier shall be quartered in any house, or on any premises, without the consent of the owner in time of peace; nor in time of war, except in a manner prescribed by law.

SEC. 28. All lands in this state are declared to be allodial; and feudal tenures of every description, with all their incidents, are prohibited.

SEC. 29. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that everything in this article is excepted out of the general powers of the government, and shall forever remain inviolate; and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

ARTICLE III.

FRANCHISES AND ELECTIONS.

SECTION 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of

twenty-one years, who has resided in the state twelve months, in the county six months, and in the precinct, town or ward one month, next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly, and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the State of Arkansas. *Provided*, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes, next preceding said election and possesses the other necessary qualifications, shall be permitted to vote, and *provided, further*, that the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.[1]

SEC. 2. Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage; nor shall any law be enacted whereby the right to vote at any election shall be made to depend upon any previous registration of the elector's name; or whereby such right shall be impaired or forfeited, except for the commission of a felony at common law, upon lawful conviction thereof.

SEC. 3. All elections by the people shall be by ballot. Every ballot shall be numbered in the order in which it shall be received and the number recorded by the election officers on the list of voters opposite the name of the elector who presents the ballot. The election officer shall be sworn or affirmed not to disclose how any elector shall have voted, unless required to do so as witnesses in a judicial proceeding, or a proceeding to contest an election.

SEC. 4. Electors shall, in all cases (except treason, felony and breach of the peace), be privileged from arrest during their attendance at elections and going to and from the same.

SEC. 5. No idiot or insane person shall be entitled to the privilege of an elector.

SEC. 6. Any person who shall be convicted of fraud, bribery or other wilful and corrupt violation of any election law of this state shall be adjudged guilty of a felony, and disqualified from holding any office of trust or profit in this state.

SEC. 7. No soldier, sailor or marine in the military or naval service of the United States shall acquire a residence by reason of being stationed on duty in this state.

SEC. 8. The general elections shall be held biennially, on the first Monday of September; but the general assembly may by law fix a different time.

SEC. 9. In trials of contested elections and in proceedings for the investigation of elections no person shall be permitted to withhold his testimony

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[1]Section 1 has been amended twice; the first amendment was proposed by the general assembly of 1891, ratified by the electors on Nov. 8, 1892, and declared adopted by the speaker of the house on Jan. 12, 1893. The present amendment was proposed by the general assembly of 1907, ratified on Nov. 3, 1908, and declared adopted by the speaker of the house on Jan. 14, 1909. The text of the amendment of 1893 is as follows: Section 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizer of the same, of the age of twenty-one years, who has resided in the state twelve months, in the county six months, and in the precinct or ward one month, next preceding any election at which he may propose to vote, except such persons as may for the commission of some felony be deprived of the right to vote by law passed by the general assembly and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the state of Arkansas. Provided, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possesses the other necessary qualifications, shall be permitted to vote; and provided further, that the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election. The first of these amendments is designated in the amendments as Article XXI, but it is manifestly an amendment of Article III, Section 1, and has been inserted here. No article or section number was assigned to the second of these amendments.

on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 10. No person shall be qualified to serve as an election officer who shall hold at the time of the election any office, appointment or employment in or under the government of the United States, or of this state, or in any city or county, or any municipal board, commission or trust in any city, save only the justices of the peace and aldermen, notaries public and persons in the militia service of the state. Nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve—save only to such subordinate municipal or local offices, below the grade of city or county officers, as shall be designated by general law.

SEC. 11. If the officers of any election shall unlawfully refuse or fail to receive, count or return the vote or ballot of any qualified elector, such vote or ballot shall nevertheless be counted upon the trial of any contest arising out of said election.

SEC. 12. All elections by persons acting in a representative capacity shall be *viva voce*.

ARTICLE IV.

DEPARTMENTS.

SECTION 1. The powers of the government of the State of Arkansas shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

SEC. 2. No person, or collection of persons, being of one of these departments, shall exercise any power belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE V.

LEGISLATIVE.

SECTION 1. The legislative powers of this state shall be vested in a general assembly, which shall consist of the senate and house of representatives, but the people of each municipality, each county and of the state, reserve to themselves power to propose laws and amendments to the constitution and to enact or reject the same at the polls as independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

The second power is a referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health and safety) either by the petition signed by five per cent. of the legal voters or by the legislative assembly as other bills are enacted. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become a law when it is approved by a majority of votes cast thereon, and not otherwise. The style of all bills shall be, "Be it enacted by the people of the State of Arkansas." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for the office of governor at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal votes necessary to sign such petition shall be counted. Peti-

tions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the acts submitting this amendment until legislation shall be specially provided therefor.[2]

SEC. 2. The house of representatives shall consist of members to be chosen every second year by the qualified electors of the several counties.

SEC. 3. The senate shall consist of members to be chosen every four years by the qualified electors of the several districts. At the first session of the senate the senators shall divide themselves into two classes by lot, and the first class shall hold their places for two years only, after which all shall be elected for four years.

SEC. 4. No person shall be a senator or representative who, at the time of his election, is not a citizen of the United States, nor any one who has not been for two years next preceding his election a resident of this state, and for one year next preceding his election a resident of the county or district whence he may be chosen. Senators shall be at least twenty-five years of age and representatives at least twenty-one years of age.

SEC. 5. The general assembly shall meet at the seat of government every two years on the first Tuesday after the second Monday in November until said time be altered by law.[3]

SEC. 6. The Governor shall issue writs of election to fill such vacancies as shall occur in either house of the general assembly.

SEC. 7. No judge of the supreme, circuit or inferior courts of law or equity, secretary of state, attorney-general for the state, auditor or treasurer, recorder, clerk of any court of record, sheriff, coroner, member of congress, nor any other person holding any lucrative office under the United States or this state (militia officers, justices of the peace, postmasters, officers of public schools and notaries excepted), shall be eligible to a seat in either house of the general assembly.

SEC. 8. No person who now is or shall be hereafter a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to a seat in either house of the general assembly, nor to any office of trust or profit until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 9. No person hereafter convicted of embezzlement of public money, bribery, forgery or other infamous crime shall be eligible to the general assembly or capable of holding any office of trust or profit in this state.

SEC. 10. No senator or representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this state.

SEC. 11. Each house shall appoint its own officers, and shall be sole judge of the qualifications, returns and elections of its own members. A majority of all the members elected to each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house shall provide.

SEC. 12. Each house shall have the power to determine the rules of its proceedings; and punish its members or other persons for contempt or disorderly behavior in its presence; enforce obedience to its process; to protect its members against violence or offers of bribes or private solicitations; and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause. A member expelled for corruption shall not thereafter be eligible to either house; and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense. Each house shall keep a journal of its proceedings; and from time to time publish the same, except such parts as require secrecy; and the yeas and nays on any question shall, at the desire of any five members, be entered on the journals.

[2]Amendment proposed by the general assembly of 1909, ratified on Nov. 8, 1910, and declared adopted by the speaker of the house on Jan. 12, 1911.

[3]The time of meeting of the general assembly has been changed to the second Monday in January; Sec. 3708, Kirby's Digest.

SEC. 13. The sessions of each house and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

SEC. 14. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the general assembly, the vote shall be taken *viva voce* and entered on the journals.

SEC. 15. The members of the general assembly shall, in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 16. Each member of the General Assembly shall receive six dollars per day for his services during the first sixty days of any regular session of the General Assembly, and if any regular session shall be extended, such member shall serve without further per diem. Each member of the General Assembly shall also receive ten cents per mile for each mile traveled in going to and returning from the seat of government, over the most direct and practicable route. When convened in extraordinary session by the Governor, they shall each receive three dollars per day for their services during the first fifteen days, and if such extraordinary session shall extend beyond fifteen days, they shall receive no further per diem. They shall be entitled to the same mileage for an extraordinary session as herein provided for regular sessions. The terms of all members of the General Assembly shall begin on the day of their election, and they shall receive no compensation, perquisite or allowance whatever, except as herein provided.[4]

SEC. 17. The regular biennial sessions shall not exceed sixty days in duration, unless by a vote of two-thirds of the members elected to each house of said general assembly. Provided, that this section shall not apply to the first session of the general assembly under this constitution, or when impeachments are pending.

SEC. 18. Each house, at the beginning of every regular session of the general assembly, and whenever a vacancy may occur, shall elect from its members a presiding officer to be styled, respectively, the president of the senate and the speaker of the house of representatives; and whenever, at the close of any session, it may appear that the term of the member elected president of the senate will expire before the next regular session, the senate shall elect another president from those members whose terms of office continue over, who shall qualify and remain president of the senate until his successor may be elected and qualified; and who, in the case of a vacancy in the office of governor, shall perform the duties and exercise the powers of governor, as elsewhere herein provided.

SEC. 19. The style of the laws of the State of Arkansas shall be: "Be it enacted by the general assembly of the State of Arkansas."

SEC. 20. The State of Arkansas shall never be made defendant in any of her courts.

SEC. 21. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

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[4]Amendment proposed by the general assembly of 1911, ratified on Sept. 9, 1912, and declared adopted by the speaker of the house on Feb. 10, 1913. The general assembly of 1901 proposed an amendment to this section which was ratified by the electors on Nov. 4, 1902, by a vote of 45,598 to 43,982, and declared adopted by the speaker of the house on Jan. 14, 1903. In Rice v. Palmer, 78 Ark. 432, and Boyett v. Cowling, 78 Ark. 494, decided on April 23, 1906, it was held that this amendment was never legally adopted as it failed to receive a majority of the votes cast at the election at which it was submitted. This amendment is indicated as section 15 in the measure by which it was submitted, but this is obviously an error. The text of the proposed amendment is as follows: Section 16. The members of the general assembly shall receive such pay and mileage for their services as shall be fixed by law. No member of either house shall during the term for which he has been elected receive any increase of pay for his services under any law passed during such term. The term of all members of the general assembly shall begin on the day of their election.

SEC. 22. Every bill shall be read at length on three different days in eac house, unless the rules be suspended by two-thirds of the house, when th same may be read a second or third time on the same day; and no bill sha become a law unless on its final passage the vote be taken by yeas and nays the names of the persons voting for and against the same be entered on th journal, and a majority of each house be recorded thereon as voting in it favor.

SEC. 23. No law shall be revived, amended, or the provisions thereof ex tended or conferred by reference to its title only; but so much thereof as i revised, amended, extended or conferred shall be re-enacted and published a length.

SEC. 24. The general assembly shall not pass any local or special law changing the venue in criminal cases; changing the names of persons or adopt ing or legitimating children; granting divorces; vacating roads, streets o alleys.

SEC. 25. In all cases where a general law can be made applicable no spe cial law shall be enacted; nor shall the operation of any general law be sus pended by the legislature for the benefit of any particular individual, corpora tion or association; nor where the courts have jurisdiction to grant the pow ers or the privileges or the relief asked for.

SEC. 26. No local or special bill shall be passed, unless notice of the in tention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be, at least, thirty days prior to the introduction into the general assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the general assembly before such act shall be passed.

SEC. 27. No extra compensation shall be made to any officer, agent, em ployee or contractor after the service shall have been rendered or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each branch of the general assembly.

SEC. 28. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 29. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law, the purpose of which shall be distinctly stated in the bill, and the maximum amount which may be drawn shall be specified in dollars and cents; and no appropriations shall be for a longer period than two years.

SEC. 30. The general appropriation bill shall embrace nothing but appro priations for the ordinary expense of the executive, legislative and judicial departments of the state. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 31. No state tax shall be allowed, or appropriation of money made, except to raise means for the payment of the just debts of the state, for de fraying the necessary expenses of government, to sustain common schools, to repel invasion and suppress insurrection, except by a majority of two-thirds of both houses of the general assembly.

SEC. 32. No act of the general assembly shall limit the amount to be re covered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries the right of action shall survive and the general assembly shall prescribe for whose benefit such action shall be prosecuted.

SEC. 33. No obligation or liability of any railroad or other corporation held or owned by this state shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the general assembly; nor shall such liability or obligation be released except by payment thereof into the state treasury.

SEC. 34. No new bill shall be introduced into either house during the last three days of the session.

SEC. 35. Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the general assembly, and any such executive or judicial officer or member of the general assembly who shall receive or consent to receive any such consideration, either directly or indirectly, to influence his action in the performance or non-performance of his public or official duty, shall be guilty of a felony and be punished accordingly.

SEC. 36. Proceedings to expel a member for a criminal offense, whether successful or not, shall not bar an indictment and punishment, under the criminal laws, for the same offense.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department of this state shall consist of a governor, secretary of state, treasurer of state, auditor of state and attorney-general, all of whom shall keep their offices in person at the seat of government and hold their offices for the term of two years and until their successors are elected and qualified, and the general assembly may provide by law for the establishment of the office of commissioner of state lands.

SEC. 2. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "the Governor of the State of Arkansas."

SEC. 3. The governor, secretary of state, treasurer of state, auditor of state and attorney-general shall be elected by the qualified electors of the state at large at the time and places of voting for members of the general assembly; the returns of each election therefor shall be sealed up separately and transmitted to the seat of government by the returning officers, and directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish the votes cast and given for each of the respective officers hereinbefore mentioned in the presence of both houses of the general assembly. The person having the highest number of votes for each of the respective offices shall be declared duly elected thereto; but if two or more shall be equal, and highest in votes for the same office, one of them shall be chosen by the joint vote of both houses of the general assembly, and a majority of all the members elected shall be necessary to a choice.

SEC. 4. Contested elections for governor, secretary of state, treasurer of state, auditor of state and attorney-general shall be determined by the members of both houses of the general assembly in joint session, who shall have exclusive jurisdiction in trying and determining the same, except as hereinafter provided in the case of special elections; and all such contests shall be tried and determined at the first session of the general assembly after the election in which the same shall have arisen.

SEC. 5. No person shall be eligible to the office of governor except a citizen of the United States who shall have attained the age of thirty years, and shall have been seven years a resident of this state.

SEC. 6. The governor shall be commander-in-chief of the military and naval forces of this state, except when they shall be called into the actual service of the United States.

SEC. 7. He may require information in writing from the officers of the executive department on any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 8. He shall give to the general assembly from time to time, and at the close of his official term to the next general assembly, information by message concerning the condition and government of the state, and recommend for their consideration such measures as he may deem expedient.

SEC. 9. A seal of the state shall be kept by the governor, used by him officially, and called the "Great Seal of the State of Arkansas."

SEC. 10. All grants and commissions shall be issued in the name and by the authority of the State of Arkansas, sealed with the great seal of the state, signed by the governor and attested by the secretary of state.

SEC. 11. No member of congress, or other person holding office under the authority of this state, or of the United States, shall exercise the office of governor, except as herein provided.

SEC. 12. In the case of the death, conviction on impeachment, failure to qualify, resignation, absence from the state or other disability of the governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, or a governor elected and qualified, shall devolve upon and accrue to the president of the senate.

SEC. 13. If, during the vacancy of the office of governor, the president of the senate shall be impeached, removed from office, refuse to qualify, resign, die or be absent from the state, the speaker of the house of representatives shall, in like manner, administer the government.

SEC. 14. Whenever the office of governor shall have become vacant by death, resignation, removal from office or otherwise, provided such vacancy shall not happen within twelve months next before the expiration of the term of office for which the late governor shall have been elected, the president of the senate or speaker of the house of representatives, as the case may be, exercising the powers of governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving by proclamation sixty days previous notice thereof, which election shall be governed by the same rules prescribed for general elections of governor as far as applicable; the returns shall be made to the secretary of state, and the acting governor, secretary of state and attorney-general shall constitute a board of canvassers, a majority of whom shall compare said returns and declare who is elected; and if there be a contested election, it shall be decided as may be provided by law.

SEC. 15. Every bill which shall have passed both houses of the general assembly shall be presented to the governor; if he approve it, he shall sign it; but if he shall not approve it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which, likewise, it shall be reconsidered; and, if approved by a majority of the whole number elected to that house it shall be a law; but in such cases the votes of both houses shall be determined by "yeas and nays," and the names of the members voting for or against the bill shall be entered on the journals. If any bill shall not be returned by the governor within five days, Sunday excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly, by their adjournment, prevent its return, in which case it shall become a law, unless he shall file the same, with his objections, in the office of the secretary of state and give notice thereof by public proclamation within twenty days after such adjournment.

SEC. 16. Every order or resolution in which the concurrence of both houses of the general assembly may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. The governor shall have power to disapprove any item or items of any bill making appropriation of money, embracing distinct items; and the part or parts of the bill approved shall be the law, and the item or items of appropriations disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 18. In all criminal and penal cases, except in those of treason and impeachment, the governor shall have power to grant reprieves, commutations of sentence and pardons after conviction; and to remit fines and forfeitures under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power, by and with the advice and consent of the sen-

ate, to grant reprieves and pardons; and he may, in the recess of the senate, respite the sentence until the adjournment of the next regular session of the general assembly. He shall communicate to the general assembly at every regular session each case of reprieve, commutation or pardon, with his reasons therefor, stating the name and crime of the convict, the sentence, its date and the date of the commutation, pardon or reprieve.

SEC. 19. The governor may, by proclamation, on extraordinary occasions, convene the general assembly at the seat of government, or at a different place, if that shall have become since their last adjournment dangerous from an enemy or contagious disease; and he shall specify in his proclamation the purpose for which they are convened, and no other business than that set forth therein shall be transacted until the same shall have been disposed of, after which they may, by a vote of two-thirds of all the members elected to both houses, entered upon their journals, remain in session not exceeding fifteen days.

SEC. 20. In cases of disagreement between the two houses of the general assembly, at a regular or special session, with respect to the time of adjournment, the governor may, if the facts be certified to him by the presiding officers of the two houses, adjourn them to a time not beyond the day for the next meeting, and, on account of danger from an enemy or disease, to such other place of safety as he may think proper.

SEC. 21. The secretary of state shall keep a full and accurate record of all the official acts and proceedinks of the governor, and, when required, lay the same, with all papers, minutes and vouchers relating thereto, before either branch of the general assembly. He shall also discharge the duties of superintendent of public instruction, until otherwise provided by law.

SEC. 22. The treasurer of state, secretary of state, auditor of state and attorney-general shall perform such duties as may be prescribed by law; they shall not hold any other office or commission, civil or military, in this state or under any state, or the United States, or any other power, at one and the same time; and, in case of vacancy occurring in any of said offices, by death, resignation or otherwise, the governor shall fill said office by appointment for the unexpired term.

SEC. 23. When any office from any cause may become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have the power to fill the same by granting a commission, which shall expire when the person elected to fill said office, at the next general election, shall be duly qualified.

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the state shall be vested in one supreme court; in circuit courts; in county and probate courts, and in justices of the peace. The general assembly may also vest such jurisdiction as may be deemed necessary in municipal corporation courts, courts of common pleas, where established, and, when deemed expedient, may establish separate courts of chancery.

SEC. 2. The supreme court shall be composed of three judges, one of whom shall be styled chief justice, and elected as such; any two of whom shall constitute a quorum, and the concurrence of two judges shall, in every case, be necessary to a decision.

SEC. 3. When the population of the state shall amount to one million, the general assembly may, if deemed necessary, increase the number of judges of the supreme court to five; and, on such increase, a majority of judges shall be necessary to make a quorum or a decision.[5]

SEC. 4. The supreme court, except in cases otherwise provided by this constitution, shall have appellate jurisdiction only, which shall be coextensive with the state, under such restrictions as may from time to time be prescribed by law. It shall have a general superintending control over all inferior courts

[5]The number of judges was increased to five by an act of Feb. 20, 1889.

of law and equity; and, in aid of its appellate and supervisory jurisdiction, it shall have power to issue writs of errors and supersedeas, certiorari, habeas corpus, prohibition, mandamus and quo warranto, and other remedial writs, and to hear and determine the same. Its judges shall be conservators of the peace throughout the state, and shall severally have power to issue any of the aforesaid writs.

SEC. 5. In the exercise of original jurisdiction the supreme court shall have power to issue writs of quo warranto to the circuit judges and chancellors when created, and to officers of political corporations when the question involved is the legal existence of such corporations.

SEC. 6. A judge of the supreme court shall be at least thirty years of age, of good moral character, and learned in the law; a citizen of the United States and two years a resident of the state, and who has been a practicing lawyer eight years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to eight years. The judges of the supreme court shall be elected by the qualified electors of the state and shall hold their offices during the term of eight years from the date of their commissions; but at the first meeting of the court after the first election under this constitution the judges shall by lot divide themselves into three classes, one of which shall hold his office for four, one for six and the other for eight years, after which each judge shall be elected for a full term of eight years. A record shall be made in the court of this classification.

SEC. 7. The supreme court shall appoint its clerk and reporter, who shall hold their offices for six years, subject to removal for good cause.

SEC. 8. The terms of the supreme court shall be held at the seat of government at the times that now are, or may be, provided by law.

SEC. 9. In case all or any of the judges of the supreme court shall be disqualified from presiding in any cause or causes, the court or the disqualified judge shall certify the same to the governor, who shall immediately commission the requisite number of men learned in the law to sit in the trial and determination of such causes.

SEC. 10. The supreme judges shall at stated times receive a compensation for their services to be ascertained by law, which shall not be, after the adjournment of the next general assembly, diminished during the time for which they shall have been elected. They shall not be allowed any fees or perquisites of office, nor hold any other office, nor hold any office of trust or profit under the state or the United States.

SEC. 11. The circuit court shall have jurisdiction in all civil and criminal cases, the exclusive jurisdiction of which may not be vested in some other court provided for by this constitution.

SEC. 12. The circuit court shall hold their terms in each county at such times and places as are, or may be, prescribed by law.

SEC. 13. The state shall be divided into convenient circuits, each circuit to be made up of contiguous counties, for each of which circuits a judge shall be elected, who, during his continuance in office, shall reside in and be a conservator of the peace within the circuit for which he shall have been elected.

SEC. 14. The circuit courts shall exercise a superintending control and appellate jurisdiction over county, probate, court of common pleas and corporation courts and justices of the peace, and shall have power to issue, hear and determine all the necessary writs to carry into effect their general and specific powers, any of which writs may be issued upon order of the judge of the appropriate court in vacation.

SEC. 15. Until the general assembly shall deem it expedient to establish courts of chancery the circuit courts shall have jurisdiction in matters of equity, subject to appeal to the supreme court, in such manner as may be prescribed by law.

SEC. 16. A judge of the circuit court shall be a citizen of the United States, at least twenty-eight years of age, of good moral character, learned in the law, two years a resident of the state, and shall have practiced law six

years, or whose service upon the bench of any court of record, when added to the time he may have practiced law, shall be equal to six years.

SEC. 17. The judges of the circuit courts shall be elected by the qualified electors of the several circuits, and shall hold their offices for the term of four years.

SEC. 18. The judges of the circuit courts shall at stated times receive a compensation for their services, to be ascertained by law, which shall not, after the adjournment of the first session of the general assembly, be diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this state or the United States.

SEC. 19. The clerks of the circuit court shall be elected by the qualified electors of the several counties, for the term of two years, and shall be ex-officio clerks of the county and probate courts and recorder; provided, that in any county having a population exceeding fifteen thousand inhabitants, as shown by the last federal census, there shall be elected a county clerk, in like manner as clerk of the circuit court, who shall be ex-officio clerk of the probate court of said county.

SEC. 20. No judge or justice shall preside in the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by consanguinity, or affinity, within such degree as may be prescribed by law; or in which he may have been of counsel or have presided in any inferior court.

SEC. 21. Whenever the office of judge of the circuit court of any county is vacant at the commencement of a term of such court, or the judge of said court shall fail to attend, the regular practicing attorneys in attendance on said court may meet at 10 o'clock a. m. on the second day of the term, and elect a judge to preside at such court, or until the regular judge shall appear; and if the judge of said court shall become sick or die or unable to continue to hold such court after its term shall have commenced, or shall from any cause be disqualified from presiding at the trial of any cause then pending therein, then the regular practicing attorneys in attendance on said court may in like manner, on notice from the judge or clerk of said court, elect a judge to preside at such court or to try said causes, and the attorney so elected shall have the same power and authority in said court as the regular judge would have had if present and presiding; but this authority shall cease at the close of the term at which the election shall be made. The proceeding shall be entered at large upon the record. The special judge shall be learned in the law and a resident of the state.

SEC. 22. The judges of the circuit court may temporarily exchange circuits or hold courts for each other under such regulations as may be prescribed by law.

SEC. 23. Judges shall not charge juries with regard to matters of fact, but shall declare the law, and in jury trials shall reduce their charge or instructions to writing on the request of either party.

SEC. 24. The qualified electors of each circuit shall elect a prosecuting attorney, who shall hold his office for the term of two years, and he shall be a citizen of the United States, learned in the law, and a resident of the circuit for which he may be elected.

SEC. 25. The judges of the supreme, circuit or chancery courts shall not, during their continuance in office, practice law or appear as counsel in any court, state or federal, within this state.

SEC. 26. The general assembly shall have power to regulate by law the punishment of contempt not committed in the presence of hearing of the courts, or in disobedience of process.

SEC. 27. The circuit court shall have jurisdiction upon information, presentment or indictment to remove any county or township officer from office for incompetency, corruption, gross immorality, criminal conduct, malfeasance, misfeasance or nonfeasance in office.

SEC. 28. The county courts shall have exclusive original jurisdiction

in all matters relating to county taxes, roads, bridges, ferries, paupers, bastardy, vagrants, the apprenticeship of minors, the disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties. The county court shall be held by one judge, except in cases otherwise herein provided.

SEC. 29. The judge of the county court shall be elected by the qualified electors of the county for the term of two years. He shall be at least twenty-five years of age, a citizen of the United States, a man of upright character, of good business education and a resident of the state for two years before his election, and a resident of the county at the time of his election and during his continuance in office.

SEC. 30. The justices of the peace of each county shall sit with and assist the county judge in levying the county taxes, and in making appropriations for the expenses of the county in the manner to be prescribed by law; and the county judge, together with a majority of said justices, shall constitute a quorum for such purposes; and in the absence of the county judge a majority of the justices of the peace may constitute the court, who shall elect one of their number to preside. The general assembly shall regulate by law the manner of compelling the attendance of such quorum.

SEC. 31. The terms of the county courts shall be held at the times that are now prescribed for holding the supervisors' courts, or may hereafter be prescribed by law.

SEC. 32. The general assembly may authorize the judge of the county court of any one or more counties to hold severally a quarterly court of common pleas in their respective counties, which shall be a court of record, with such jurisdiction in matters of contract and other civil matters not involving title to real estate as may be vested in such court.

SEC. 33. Appeals from all judgments of county courts or courts of common pleas, when established, may be taken to the circuit court under such restrictions and regulations as may be prescribed by law.

SEC. 34. The judge of the county court hall be the judge of the court of probate, and have such exclusive original jurisdiction in matters relative to the probate of wills, the estates of deceased persons, executors, administrators, guardians and persons of unsound mind and their estates as is now vested in the circuit court, or may be hereafter prescribed by law. The regular terms of the court of probate shall be held at the times that may hereafter be prescribed by law.

SEC. 35. Appeals may be taken from judgments and orders of the probate court to the circuit court under such regulations and restrictions as may be prescribed by law.

SEC. 36. Whenever a judge of the county or probate court may be disqualified from presiding in any cause or causes pending in his court, he shall certify the facts to the governor of the state, who shall thereupon commission a special judge to preside in such cause or causes during the time said disqualification may continue, or until such cause or causes may be finally disposed of.

SEC. 37. The county judge shall receive such compensation for his services as presiding judge of the county court, as judge of the court of probate and judge of the court of common pleas, when established, as may be provided by law. In the absence of the circuit judge from the county the county judge shall have power to issue orders for injunction and other provisional writs in their counties, returnable to the court having jurisdiction, provided that either party may have such order reviewed by any superior judge in vacation in such manner as shall be provided by law. The county judge shall have power, in the absence of the circuit judge from the county, to issue, hear and determine writs of habeas corpus under such regulations and restrictions as shall be provided by law.

SEC. 38. The qualified electors of each township shall elect the justices of the peace for the term of two years, who shall be commissioned by the governor, and their official oath shall be indorsed on the commission.

SEC. 39. For every two hundred electors there shall be elected one justice of the peace, but every township, however small, shall have two justices of the peace.

SEC. 40. They shall have original jurisdiction in the following matters: First, exclusive of the circuit court, in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars, excluding interest, and concurrent jurisdiction in matters of contract where the amount in controversy does not exceed the sum of three hundred dollars, exclusive of interest; second, concurrent jurisdiction in suits for the recovery of personal property where the value of the property does not exceed the sum of three hundred dollars, and in all matters of damages to personal property where the amount in controversy does not exceed the sum of one hundred dollars; third, such jurisdiction of misdemeanors as is now, or may be, prescribed by law; fourth, to sit as examining courts and commit, discharge or recognize offenders to the court having jurisdiction for further trial, and to bind persons to keep the peace or for good behavior; fifth, for the foregoing purposes they shall have power to issue all necessary process; sixth, they shall be conservators of the peace within their respective counties, provided a justice of the peace shall not have jurisdiction where a lien on land or title or possession thereto is involved.

SEC. 41. A justice of the peace shall be a qualified elector and a resident of the township for which he is elected.

SEC. 42. Appeals may be taken from the final judgments of the justices of the peace to the circuit courts under such regulations as are now, or may be, provided by law.

SEC. 43. Corporation courts for towns and cities may be invested with jurisdiction concurrent with justices of the peace in civil and criminal matters, and the general assembly may invest such of them as it may deem expedient with jurisdiction of any criminal offenses not punishable by death or imprisonment in the penitentiary, with or without indictment, as may be provided by law, and, until the general assembly shall otherwise provide, they shall have the jurisdiction now provided by law.

SEC. 44. The Pulaski chancery court shall continue in existence until abolished by law, or the business pending at the adoption of this constitution shall be disposed of, or the pending business be transferred to other courts. The judge and clerk of said court shall hold office for the term of two years, and shall be elected by the qualified voters of the state. All suits and proceedings which relate to sixteenth-section lands or to money due for said lands shall be transferred to the respective counties where such lands are located in such manner as shall be provided by the general assembly at the next session.

SEC. 45. The separate criminal courts established in this state are hereby abolished, and all the jurisdiction exercised by said criminal courts is vested in the circuit courts of the respective counties; and all causes now pending therein are hereby transferred to said circuit courts respectively. It shall be the duty of the clerks of said criminal courts to transfer all the records, books and papers pertaining to said criminal courts to the circuit courts of their respective counties.

SEC. 46. The qualified electors of each county shall elect one sheriff, who shall be ex-officio collector of taxes, unless otherwise provided by law; one assessor, one coroner, one treasurer, who shall be ex-officio treasurer of the common school fund of the county, and one county surveyor, for the term of two years, with such duties as are now or may be prescribed by law. *Provided*, that no per centum shall ever be paid to assessors upon the valuation or assessment of property by them.

SEC. 47. The qualified electors of each township shall elect a constable for the term of two years, who shall be furnished by the presiding judge of the county court with a certificate of election, on which his official oath shall be indorsed.

SEC. 48. All officers provided for in this article, except constables, shall be commissioned by the governor.

SEC. 49. All writs and other judicial process shall run in the name of the state of Arkansas, bear teste and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude: "Against the peace and dignity of the state of Arkansas."

SEC. 50. All vacancies occurring in any offices provided for in this article shall be filled by special election, save that in case of vacancies occurring in county and township offices six months, and in other offices nine months before the next general election, such vacancies shall be filled by appointment by the Governor.

SEC. 51. That in all cases of allowances made for or against counties, cities or towns, an appeal shall lie to the circuit court of the county, at the instance of the party aggrieved, or on the intervention of any citizen or resident and tax-payer of such county, city or town, on the same terms and conditions on which appeals may be granted to the circuit court in other cases, and the matter pertaining to any such allowance shall be tried in the circuit court *de novo*. In case an appeal be taken by any citizen, he shall give a bond, payable to the proper county, conditioned to prosecute the appeal and save the county from costs on account of the same being taken.

SEC. 52. That in all cases of contest for any county, township or municipal office, an appeal shall lie at the instance of the party aggrieved, from any inferior board, council or tribunal to the circuit court, on the same terms and conditions on which appeals may be granted to the circuit court in other cases, and on such appeals the case shall be tried *de novo*.

ARTICLE VIII.

APPORTIONMENT.

SECTION 1. The house of representatives shall consist of not less than seventy-three, nor more than one hundred members. Each county now organized shall always be entitled to one representative, the remainder to be apportioned the several counties according to the number of adult male inhabitants, taking two thousand as the ratio, until the number of representatives amounts to one hundred, when they shall not be further increased; but the ratio of representation shall, from time to time, be increased, as hereinafter provided, so that the representatives shall never exceed that number. And until the enumeration of the inhabitants is taken by the United States government, A. D. 1880, the representatives shall be apportioned among the several counties as follows:

The county of Arkansas shall elect one representative. The county of Ashley shall elect one representative. The county of Benton shall elect two representatives. The county of Boone shall elect one representative. The county of Bradley shall elect one representative. The county of Baxter shall elect one representative. The county of Calhoun shall elect one representative. The county of Carroll shall elect one representative. The county of Chicot shall elect one representative. The county of Columbia shall elect two representatives. The county of Clark shall elect two representatives. The county of Conway shall elect one (two) representative. The county of Craighead shall elect one representative. The county of Crawford shall elect one (two) representative. The county of Cross shall elect one representative. The county of Crittenden shall elect one representative. The county of Clayton[6] shall elect one representative. The county of Dallas shall elect one representative. The county of Desha shall elect one representative. The county of of Drew shall elect one representative. The county of Dorsey[7] shall elect one representative. The county of Franklin shall elect one (two) representative. The county of Fulton shall elect one representative. The county of Faulkner shall elect one representative. The county of Grant shall elect one representative. The county of Greene shall elect one representative. The county of Garland shall elect one (two) representative. The county of Hemp-

[6]The name of the county of Clayton was changed to Clay by an act of Dec. 6, 1875.

[7]The name of the county of Dorsey was changed to Cleveland by an act of March 5, 1885.

stead shall elect two representatives. The county of Hot Spring shall elect one representative. The county of Howard shall elect one representative. The county of Independence shall elect two representatives. The county of Izard shall elect one representative. The county of Jackson shall elect one representative. The county of Jefferson shall elect three representatives. The county of Johnson shall elect one representative. The county of Lafayette shall elect one representative. The county of Lawrence shall elect one representative. The county of Little River shall elect one representative. The county of Lonoke shall elect two representatives. The county of Lincoln shall elect one representative. The county of Lee shall elect two representatives. The county of Madison shall elect one representative. The county of Marion shall elect one representative. The county of Monroe shall elect one representative. The county of Montgomery shall elect one representative. The county of Mississippi shall elect one representative. The county of Nevada shall elect one representative. The county of Newton shall elect one representative. The county of Ouachita shall elect two (one) representatives. The county of Perry shall elect one representative. The county of Phillips shall elect three (two) representatives. The county of Pike shall elect one representative. The county of Polk shall elect one representative. The county of Pope shall elect one (two) representative. The county of Poinsett shall elect one representative. The county of Pulaski shall elect four representatives. The county of Prairie shall elect one representative. The county of Randolph shall elect one representative. The county of Saline shall elect one representative. The county of Sarber[8] shall elect one (two) representative. The county of Scott shall elect one representative. The county of Searcy shall elect one representative. The county of Sebastian shall elect two (three) representatives. The county of St. Francis shall elect one representative. The county of Stone shall elect one representative. The county of Union shall elect two (one) representatives. The county of Van Buren shall elect one representative. The county of Washington shall elect three representatives. The county of White shall elect two representatives. The county of Woodruff shall elect one representative. The county of Yell shall elect one (two) representative. The county of Sharp shall elect one representative.[9]

SEC. 2. The legislature shall from time to time divide the state into convenient senatorial districts in such manner that the senate shall be based upon the adult male inhabitants of the state, each senator representing an equal number as nearly as practicable.

SEC. 3. Senatorial districts shall at all times consist of contiguous territory, and no county shall be divided in the formation of a senatorial district.

SEC. 4. The division of the state into senatorial districts and the apportionment of representatives to the several counties shall be made by the general assembly at the first regular session after each enumeration of the inhabitants of the state by the federal or state government shall have been ascertained, and at no other time.[10]

ARTICLE IX.

EXEMPTION.

SECTION 1. The personal property of any resident of this state who is not married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of two hundred dollars in addition to his or her wearing apparel, shall be exempt from seizure on attachment, or sale on execution, or other process from any court issued for the collection of any debt by contract; provided, that no property shall be exempt

[8]The name of the county of Sarber was changed to Logan by an act of Dec. 14, 1875.

[9]An act of March 18, 1881, provided that "The County of Miller should be entitled to one representative." An act of Feb. 20, 1883, provided that "Cleburne County shall be entitled to one representative."

[10]For the last apportionment, see Sec. 3710 of Kirby's Digest of the statutes of Arkansas.

from execution for debts contracted for the purchase money therefor while in the hands of the vendee.

SEC. 2. The personal property of any resident of this state who is married or the head of a family, in specific articles to be selected by such resident, not exceeding in value the sum of five hundred dollars in addition to his or her wearing apparel, and that of his or her family, shall be exempt from seizure on attachment, or sale on execution, or other process from any court on debt by contract.

SEC. 3. The homestead of any resident of this state who is married or the head of a family shall not be subject to the lien of any judgment, or decree of any court, or to sale under execution or other process thereon, except such as may be rendered for the purchase money or for specific liens, laborers or mechanics' liens for improving the same, or for taxes, or against executors, administrators, guardians, receivers, attorneys for moneys collected by them and other trustees of an express trust for moneys due from them in their fiduciary capacity.

SEC. 4. The homestead outside any city, town or village, owned and occupied as a residence, shall consist of not exceeding one hundred and sixty acres of land, with the improvements thereon, to be selected by the owner, provided the same shall not exceed in value the sum of twenty-five hundred dollars, and in no event shall the homestead be reduced to less than eighty acres, without regard to value.

SEC. 5. The homestead in any city, town or village, owned and occupied as a residence, shall consist of not exceeding one acre of land, with the improvements thereon, to be selected by the owner, provided the same shall not exceed in value the sum of two thousand five hundred dollars, and in no event shall such homestead be reduced to less than one-quarter of an acre of land, without regard to value.

SEC. 6. If the owner of a homestead die, leaving a widow, but no children, and said widow has no separate homestead in her own right, the same shall be exempt, and the rents and profits thereof shall vest in her during her natural life, provided that if the owner leaves children, one or more, said child or children shall share with said widow and be entitled to half the rents and profits till each of them arrives at twenty-one years of age—each child's rights to cease at twenty-one years of age—and the shares to go to the younger children, and then all to go to the widow, and provided that said widow or children may reside on the homestead or not; and in case of the death of the widow all of said homestead shall be vested in the minor children of the testator or intestate.

SEC. 7. The real and personal property of any *feme covert* in this state acquired either before or after marriage, whether by gift, grant, inheritance, devise or otherwise, shall, so long as she may choose, be and remain her separate estate and property and may be devised, bequeathed or conveyed by her the same as if she were a *feme sole*, and the same shall not be subject to the debts of her husband.

SEC. 8. The general assembly shall provide for the time and mode of scheduling the separate personal property of married women.

SEC. 9. The exemptions contained in the constitution of 1868 shall apply to all debts contracted since the adoption thereof and prior to the adoption of this constitution.

SEC. 10. The homestead provided for in this article shall inure to the benefit of the minor children, under the exemptions herein provided, after the decease of the parents.

ARTICLE X.

AGRICULTURE, MINING AND MANUFACTURE.

SECTION 1. The general assembly shall pass such laws as will foster and aid the agricultural, mining and manufacturing interests of the state, and may create a bureau to be known as the mining, manufacturing and agricultural bureau.

SEC. 2. The general assembly, when deemed expedient, may create the

office of state geologist, to be appointed by the governor, by and with the advice and consent of the senate, who shall hold his office for such time and perform such duties and receive such compensation as may be prescribed by law. Provided, that he shall be at all times subject to removal by the governor for incompetency or gross neglect of duty.

SEC. 3. The general assembly may, by general law, exempt from taxation for the term of seven years from the ratification of this constitution the capital invested in any or all kinds of mining and manufacturing business in this state, under such regulations and restrictions as may be prescribed by law.

ARTICLE XI.

MILITIA.

SECTION 1. The militia shall consist of all able-bodied male persons, residents of the state, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or this state, and shall be organized, officered, armed and equipped and trained in such manner as may be provided by law.

SEC. 2. Volunteer companies of infantry, cavalry or artillery may be formed in such manner and with such restrictions as may be provided by law.

SEC. 3. The volunteer and militia forces shall in all cases (except treason, felony and breach of the peace) be privileged from arrest during their attendance at muster and the election of officers, and in going to and returning from the same.

SEC. 4. The governor shall, when the general assembly is not in session, have power to call out the volunteers or militia, or both, to execute the laws, repel invasion, repress insurrection and preserve the public peace in such manner as may be authorized by law.

ARTICLE XII.

MUNICIPAL AND PRIVATE CORPORATIONS.

SECTION 1. All existing charters or grants of special or exclusive privileges under which a *bona fide* organization shall not have taken place and business been commenced in good faith at the time of the adoption of this constitution shall thereafter have no validity.

SEC. 2. The general assembly shall pass no special act conferring corporate powers, except for charitable, educational, penal or reformatory purposes, where the corporations created are to be and remain under the patronage and control of the state.

SEC. 3. The general assembly shall provide, by general laws, for the organization of cities (which may be classified) and incorporated towns, and restrict their power of taxation, assessment, borrowing money and contracting debts, so as to prevent the abuse of such power.

SEC. 4. No municipal corporation shall be authorized to pass any laws contrary to the general laws of the state; nor levy any tax on real or personal property to a greater extent, in one year, than five mills on the dollar of the assessed value of the same. Provided, that, to pay indebtedness existing at the time of the adoption of this constitution, an additional tax of not more than five mills on the dollar may be levied.

SEC. 5. No county, city, town or other municipal corporation shall become a stockholder in any company, association or corporation, or obtain or appropriate money for, or loan its credit to any corporation, association, institution or individual.

SEC. 6. Corporations may be formed under general laws, which laws may, from time to time, be altered or repealed. The general assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever, in their opinion, it may be injurious to the citizens of this state, in such a manner, however, that no injustice shall be done to the corporators.

SEC. 7. Except as herein provided, the state shall never become a stockholder in, or subscribe to, or be interested in, the stock of any corporation or association.

SEC. 8. No private corporation shall issue stocks or bonds, except for money or property actually received or labor done, and all fictitious increase of stock or indebtedness shall be void; nor shall the stock or bonded indebtedness of any private corporation be increased, except in pursuance of general laws, nor until the consent of the persons holding the larger amount in value of stock shall be obtained at a meeting held after notice given for a period not less than sixty days, in pursuance of law.

SEC. 9. No property, nor right of way, shall be appropriated to the use of any corporation until full compensation therefor shall be first made to the owner, in money, or first secured to him by a deposit of money, which compensation, irrespective of any benefit from any improvement proposed by such corporation, shall be ascertained by a jury of twelve men, in a court of competent jurisdiction, as shall be prescribed by law.

SEC. 10. No act of the general assembly shall be passed authorizing the issue of bills, notes or other paper which may circulate as money.

SEC. 11. Foreign corporations may be authorized to do business in this state under such limitations and restrictions as may be prescribed by law: *Provided*, that no such corporation shall do any business in this state except while it maintains therein one or more known places of business and an authorized agent or agents in the same upon whom process may be served; and, as to contracts made or business done in this state, they shall be subject to the same regulations, limitations and liabilities as like corporations of this state, and shall exercise no other or greater powers, privileges or franchises than may be exercised by like corporations of this state, nor shall they have power to condemn or appropriate private property.

SEC. 12. Except as herein otherwise provided, the state shall never assume or pay the debt or liability of any county, town, city or other corporation whatever, or any part thereof, unless such debt or liability shall have been created to repel invasion, suppress insurrection or to provide for the public welfare and defense. Nor shall the indebtedness of any corporation to the state ever be released or in any manner discharged save by payment into the public treasury.

ARTICLE XIII.

COUNTIES, COUNTY SEATS AND COUNTY LINES.

SECTION 1. No county now established shall be reduced to an area of less than six hundred square miles nor to less than five thousand inhabitants; nor shall any new county be established with less than six hundred square miles and five thousand inhabitants. *Provided*, that this section shall not apply to the counties of Lafayette, Pope and Johnson, nor be so construed as to prevent the general assembly from changing the line between the counties of Pope and Johnson.

SEC. 2. No part of a county shall be taken off to form a new county or a part thereof without the consent of a majority of the voters in such part proposed to be taken off.

SEC. 3. No county seat shall be established or changed without the consent of a majority of the qualified voters of the county to be affected by such change, nor until the place at which it is proposed to establish or change such county seat be fully designated. Provided, that in formation of new counties the county seat may be located temporarily by provisions of law.

SEC. 4. In the formation of new counties no line thereof shall run within ten miles of the county seat of the county proposed to be divided, except the county seat of Lafayette county.

SEC. 5. Sebastian county may have two districts and two county seats, at which county, probate and circuit courts shall be held as may be provided by law, each district paying its own expenses.

SEC. 2. No money or property belonging to the public school fund, or to this state for the benefit of schools or universities, shall ever be used for any other than for the respective purposes to which it belongs.

SEC. 3. The general assembly shall provide by general laws for the support of common schools by taxes, which shall never exceed in any one year three mills on the dollar on the taxable property of the state, and by an annual *per capita* tax of one dollar, to be assessed on every male inhabitant of this state over the age of twenty-one years. Provided, the general assembly may by general law authorize school districts to levy by a vote of the qualified electors of such district a tax not to exceed twelve mills on the dollar in any one year for school purposes. Provided further, that no such tax shall be appropriated to any other purpose nor to any other district than that for which it was levied.[11]

SEC. 4. The supervision of public schools and the execution of the laws regulating the same shall be vested in and confided to such officers as may be provided for by the general assembly.

ARTICLE XV.

IMPEACHMENT AND ADDRESS.

SECTION 1. The governor and all state officers, judges of the supreme and circuit courts, chancellors and prosecuting attorneys shall be liable to impeachment for high crimes and misdemeanors and gross misconduct in office, but the judgment shall go no further than removal from office and disqualification to hold any office of honor, trust or profit under this state. An impeachment, whether successful or not, shall be no bar to an indictment.

SEC. 2. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The chief justice shall preside unless he is impeached or otherwise disqualified, when the senate shall select a presiding officer.

SEC. 3. The governor, upon the joint address of two-thirds of the members elected to each house of the general assembly, for good cause, may remove the auditor, treasurer, secretary of the state, attorney-general, judges of the supreme and circuit courts, chancellors and prosecuting attorneys.

ARTICLE XVI.

FINANCE AND TAXATION.

SECTION 1. Neither the state nor any city, county, town or other municipality in this state shall ever loan its credit for any purpose whatever; nor shall any county, city, town or municipality ever issue any interest-bearing evidences of indebtedness, except such bonds as may be authorized by law to provide for and secure the payment of the present existing indebtedness, and the state shall never issue any interest-bearing treasury warrants or scrip.

SEC. 2. The general assembly shall from time to time provide for the payment of all just and legal debts of the state.

SEC. 3. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by any officer of the state or member

[11] Section 3 has been amended twice; the first amendment was proposed by the general assembly of 1905, ratified on Nov. 6, 1906, and declared adopted by the speaker of the house on Jan. 17, 1907. The present amendment was proposed by the initiative and ratified on Nov. 7, 1916. The text of the amendment of 1906 is as follows: Section 3. The general assembly shall provide by general laws for the support of common schools by taxes, which shall never exceed in any one year three mills on the dollar on the taxable property of the state, and by an annual per capita tax of one dollar, to be assessed on every male inhabitant of this state over the age of twenty-one years. Provided, the general assembly may by general law authorize school districts to levy by vote of the qualified electors of such district a tax not to exceed seven mills on the dollar in any one year for school purposes. Provided, further, that no such tax shall be appropriated to any other purpose nor to any other district than that for which it was levied.

or officer of the general assembly, shall be punishable as may be provided by law; but part of such punishment shall be disqualification to hold office in this state for a period of five years.

SEC. 4. The general assembly shall fix the salaries and fees of all officers in the state, and no greater salary or fee than that fixed by law shall be paid to any officer, employee or other person, or at any rate other than par value; and the number and salaries of the clerks and employees of the different departments of the state shall be fixed by law.

SEC. 5. All property subject to taxation shall be taxed according to its value, that value to be ascertained in such manner as the general assembly shall direct, making the same equal and uniform throughout the state. No one species of property from which a tax may be collected shall be taxed higher than another species of property of equal value, *provided* the general assembly shall have power from time to time to tax hawkers, peddlers, ferries, exhibitions and privileges in such manner as may be deemed proper. *Provided, further*, that the following property shall be exempt from taxation: Public property used exclusively for public purposes; churches used as such; cemeteries used exclusively as such; school buildings and apparatus; libraries and grounds used exclusively for school purposes, and buildings and grounds and materials used exclusively for public charity.

SEC. 6. All laws exempting property from taxation other than as provided in this constitution shall be void.

SEC. 7. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state may be a party.

SEC. 8. The general assembly shall not have power to levy state taxes for any one year to exceed in the aggregate one per cent. of the assessed valuation of the property of the state for that year.

SEC. 9. No county shall levy a tax to exceed one-half of one per cent. for all purposes, but may levy an additional one-half of one per cent. to pay indebtedness existing at the time of the ratification of this constitution.

SEC. 10. The taxes of counties, towns and cities shall only be payable in lawful currency of the United States, or the orders or warrants of said counties, towns and cities respectively.

SEC. 11. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same; and no moneys arising from a tax levied for one purpose shall be used for any other purpose.

SEC. 12. No money shall be paid out of the treasury until the same shall have been appropriated by law, and then only in accordance with said appropriation.

SEC. 13. Any citizen of any county, city or town may institute suit in behalf of himself and all others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever.

ARTICLE XVII.

RAILROADS, CANALS AND TURNPIKES.

SECTION 1. All railroads, canals and turnpikes shall be public highways, and all railroads and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other road, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 2. Every railroad, canal or turnpike corporation operated or partly operated in this state shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and the amounts owned by

nect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other road, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 2. Every railroad, canal or turnpike corporation operated or partly operated in this state shall maintain one office therein, where transfers of its stock shall be made and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and the amounts owned by them respectively, the transfers of said stock and the names and places of residence of the officers.

SEC. 3. All individuals, associations and corporations shall have equal rights to have persons and property transported over railroads, canals and turnpikes, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for transportation of freight or passengers, within the state, or coming from or going to any other state. Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad, canal or corporation, shall consolidate the stock, property or franchises of such corporation with or lease or purchase the works or franchises of, or in any way control, any other railroad or canal corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of materials or supplies to such company or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company; nor in any arrangement which shall afford more advantageous terms or greater facilities than are offered or accorded to the public. And all contracts and arrangements in violation of this section shall be void.

SEC. 6. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals or in favor of either by abatement, drawback or otherwise, and no railroad or canal company or any lessee, manager or employee thereof shall make any preferences in furnishing cars or motive power.

SEC. 7. The general assembly shall prevent by law the granting of free passes by any railroad or transportation company to any officer of this state, legislative, executive, or judicial.

SEC. 8. The general assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same or pass any general or special law for the benefit of such corporation, except on condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SEC. 9. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the general assembly from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals.

SEC. 10. The general assembly shall pass laws to correct abuses and prevent unjust discrimination and excessive charges by railroads, canals and turnpike companies for transporting freight and passengers, and shall provide for enforcing such laws by adequate penalties and forfeitures, and shall provide for the creation of such offices and commissions and vest in them such

authority as shall be necessary to carry into effect the powers hereby conferred.[12]

SEC. 11. The rolling stock and all other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the general assembly shall pass no law exempting any such property from execution and sale.

SEC. 12. All railroads which are now or may be hereafter built and operated, either in whole or in part, in this state shall be responsible for all damages to persons and property, under such regulations as may be prescribed by the general assembly.

SEC. 13. The directors of every railroad corporation shall annually make a report under oath to the auditor of public accounts of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the general assembly shall pass laws enforcing by suitable penalties the provisions of this section.

ARTICLE XVIII.

JUDICIAL CIRCUITS.

Until otherwise provided by the general assembly, the judicial circuits shall be composed of the following counties:

(Districts have been changed at different times).

ARTICLE XIX.

MISCELLANEOUS PROVISIONS.

SECTION 1. No person who denies the being of a God shall hold any office in the civil departments of this state, nor be competent to testify as a witness in any court.

SEC. 2. No person who may hereafter fight a duel, assist in the same as second, or send, accept or knowingly carry a challenge therefor shall hold any office in the state for a period of ten years, and may be otherwise punished as the law may prescribe.

SEC. 3. No person shall be elected to or appointed to fill a vacancy in any office who does not possess the qualifications of an elector.

SEC. 4. All civil officers for the state at large shall reside within the state, and all district, county and township officers within their respective districts, counties and townships, and shall keep their offices at such places therein as are now or may hereafter be required by law.

SEC. 5. All officers shall continue in office after the expiration of their official terms until their successors are elected and qualified.

SEC. 6. No person shall hold or perform the duties of more than one office in the same department of the government at the same time, except as expressly directed or permitted by this constitution.

SEC. 7. Absence on business of the state or of the United States, or on a visit or on necessary private business, shall not cause a forfeiture of residence once obtained.

SEC. 8. It shall be the duty of the general assembly to regulate by law in what cases and what deductions from the salaries of public officers shall be made for neglect of duty in their official capacity.

SEC. 9. The general assembly shall have no power to create any permanent state office not expressly provided for by this constitution.

SEC. 10. Returns for all elections for officers who are to be commissioned by the governor and for members of the general assembly, except as otherwise provided by this constitution, shall be made to the secretary of state.

SEC. 11. The governor, secretary of state, auditor, treasurer, attorney general, judges of the supreme court, judges of the circuit court, commissioner of state lands and prosecuting attorneys shall each receive a salary to be established by law which shall not be increased or diminished during

[12]Amendment proposed by the general assembly of 1897, ratified on Nov. 8, 1898 and declared adopted by the speaker of the house on Jan. 13, 1899.

their respective terms, nor shall any of them, except the prosecuting attorneys after the adoption of this constitution, receive to his own use any fees, costs, perquisites of office or other compensation; and all fees that may hereafter be payable by law for any service performed by any officer mentioned in this section, except prosecuting attorneys, shall be paid in advance into the state treasury. Provided, that the salaries of the respective officers herein mentioned shall never exceed per annum:

For governor the sum of $4,000.00; for secretary of state the sum of $2,500.00; for treasurer the sum of $3,000.00; for auditor, the sum of $3,000.00; for attorney-general the sum of $2,500.00; for commissioner of state lands the sum of $2,500; for judges of the supreme court, each, the sum of $4,000; for judges of the circuit courts and chancellors, each, the sum of $3,000.00; for prosecuting attorney the sum of $400.00.

And provided, further, that the general assembly shall provide for no increase of salaries of its members which shall take effect before the meeting of the next general assembly.

SEC. 12. An accurate and detailed statement of the receipts and expenditures of the public money, the several amounts paid, to whom and on what account, shall, from time to time, be published as may be prescribed by law.

SEC. 13. All contracts for a greater rate of interest than ten per centum per annum shall be void, as to principal and interest, and the general assembly shall prohibit the same by law, but when no rate of interest is agreed upon the rate shall be six per centum per annum.

SEC. 14. No lottery shall be authorized by this state, nor shall the sale of lottery tickets be allowed.

SEC. 15. All stationery, printing, paper, fuel, for the use of the general assembly and other departments of government, shall be furnished, and the printing, binding and distributing of the laws, journals, department reports and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the general assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer in any department of the government shall in any way be interested in such contracts, and all such contracts shall be subject to the approval of the governor, auditor and treasurer.

SEC. 16. All contracts for erecting or repairing public buildings or bridges in any county, or for materials therefor, or for providing for the care and keeping of paupers where there are no alms-houses, shall be given to the lowest responsible bidder under such regulations as may be provided by law.

SEC. 17. The laws of this state, civil and criminal, shall be revised, digested, arranged, published and promulgated at such times and in such manner as the general assembly may direct.

SEC. 18. The general assembly by suitable enactments shall require such appliances and means to be provided and used as may be necessary to secure as far as possible the lives, health and safety of persons employed in mining and of persons traveling upon railroads and by other public conveyances, and shall provide for enforcing such enactments by adequate pains and penalties.

SEC. 19. It shall be the duty of the general assembly to provide by law for the support of institutions for the education of the deaf and dumb and of the blind, and also for the treatment of the insane.

SEC. 20. Senators and representatives and all judicial and executive state and county officers, and all other officers, both civil and military, before entering on the duties of their respective offices shall take and subscribe to the following oath or affirmation: "I, ———, ———, do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Arkansas, and that I will faithfully discharge the duties of the office of ———, upon which I am now about to enter."

SEC. 21. The sureties upon the official bonds of all state officers shall be residents of, and have sufficient property within the state, not exempt from sale under execution, attachment or other process of any court, to make

good their bonds, and the sureties upon the official bonds of all county officers shall reside within the counties where such officers reside, and shall have sufficient property therein, not exempt from such sale, to make good their bonds: Provided, however, that any surety, bonding or guaranty company, organized for the purpose of doing a surety or bonding business, and authorized to do business in this state, may become surety on the bonds of all state, county and municipal officers under such regulations as may be prescribed by law.[13]

SEC. 22. Either branch of the general assembly at a regular session thereof may propose amendments to this constitution, and, if the same be agreed to by a majority of all the members elected to each house, such proposed amendments shall be entered on the journals with the yeas and nays, and published in at least one newspaper in each county, where a newspaper is published, for six months immediately preceding the next general election for senators and representatives, at which time the same shall be submitted to the electors of the state for approval or rejection; and if a majority of the electors voting at such election adopt such amendments the same shall become a part of this constitution; but no more than three amendments shall be proposed or submitted at the same time. They shall be so submitted as to enable the electors to vote on each amendment separately.

SEC. 23. No officer of this state, nor of any county, city or town shall receive, directly or indirectly, for salary, fees and perquisites more than five thousand dollars net profits per annum in par funds, and any and all sums in excess of this amount shall be paid into the state, county, city or town treasury as shall hereafter be directed by appropriate legislation.

SEC. 24. The general assembly shall provide by law the mode of contesting elections in cases not specifically provided for in this constitution.

SEC. 25. The present seal of the state shall be and remain the seal of the State of Arkansas until otherwise provided by law, and shall be kept and used as provided in this constitution.

SEC. 26. Militia officers, officers of the public schools and notaries may be elected to fill any executive or judicial office.

SEC. 27. Nothing in this constitution shall be so construed as to prohibit the general assembly from authorizing assessments on real property for local improvements in towns and cities under such regulations as may be prescribed by law, to be based upon the consent of a majority in value of the property holders owning property adjoining the locality to be affected; but such assessments shall be *ad valorem* and uniform.

ARTICLE XX.

NON-PAYABLE STATE BONDS.

SECTION 1. The general assembly shall have no power to levy any tax, or make any appropriations, to pay either the principal or interest, or any part thereof, of any of the following bonds of the state, or the claims, or pretended claims, upon which they may be based, to-wit: Bonds issued under an act of the general assembly of the State of Arkansas, entitled "An act to provide for the funding of the public debt of the state," approved April 6, A. D. 1869, and numbered from four hundred and ninety-one to eighteen hundred and sixty, inclusive, being the "funding bonds" delivered to F. W. Caper, and sometimes called "Holford bonds;" or bonds known as railroad aid bonds, issued under an act of the general assembly of the State of Arkansas, entitled "An act to aid in the construction of railroads, approved July 21, A. D. 1868;" or bonds called "levee bonds," being bonds issued under an act of the general assembly of the State of Arkansas, entitled "An act providing for the building and repairing the public levees of the state, and for other purposes," approved March 16, A. D. 1869, and the supplemental act thereto, approved April 12, 1869; and the act entitled "An act to amend an act entitled an act providing for the building and repairing of the public

[13]Amendment proposed by the general assembly of 1899, ratified on Nov. 6, 1900, and declared adopted by the speaker of the house on Jan. 17, 1901.

levees of this state." approved March 23, A. D. 1871, and any law providing for any such tax or appropriation shall be null and void.[14]

ARTICLE XXI.

SUFFRAGE.

SECTION 1. Every male citizen of the United States, or male person who has declared his intention of becoming a citizen of the same, of the age of twenty-one years, who has resided in the state twelve months, in the county six months, and in the precinct or ward one month, next preceding any election for the commission of some felony be deprived of the right to vote by law passed by the general assembly and who shall exhibit a poll tax receipt or other evidence that he has paid his poll tax at the time of collecting taxes next preceding such election, shall be allowed to vote at any election in the state of Arkansas. *Provided*, that persons who make satisfactory proof that they have attained the age of twenty-one years since the time of assessing taxes next preceding said election and possesses the other necessary qualifications, shall be permitted to vote; and *provided further*, that the said tax receipt shall be so marked by dated stamp or written endorsement by the judges of election to whom it may be first presented as to prevent the holder thereof from voting more than once at any election.[15]

ARTICLE XXII.

VACANCIES IN OFFICE.

SECTION 1. The governor shall, in case a vacancy occurs in any state, district, county or township office in the state, either by death, resignation or otherwise, fill the same by appointment, such appointment to be in force and effect until the next general election thereafter.[16]

ARTICLE XXIII.

COUNTY ROAD TAX.

SECTION 1. The county courts of the state in their respective counties, together with a majority of the justices of the peace of such county, in addition to the amount of county tax allowed to be levied, shall have the power to levy not exceeding three mills on the dollar on all taxable property of their respective counties, which shall be known as the county road tax, and when collected shall be used in the respective counties for the purpose of making and repairing public roads and bridges of the respective counties, and for no other purpose, and shall be collected in United States currency or county warrants legally drawn on such road tax fund if a majority of the qualified electors of such county shall have voted public road tax at the general election for state and county officers preceding such levy at each election.[17]

[ARTICLE XXIV.]

COUNTY ROAD TAX.

SECTION 1. The county courts in their respective counties, in addition to the county tax now allowed to be levied, shall have power when authorized as hereinafter provided, to levy an annual tax not exceeding three mills on the dollar on all taxable property, which shall be collected and expended in making and repairing public roads and bridges in their respective coun-

[14]Article XX is a new article; it was proposed by the general assembly of 1883, ratified on Nov. 4, 1884, and declared adopted by the speaker of the house on Jan. 14, 1885.

[15]See Article III, Section 1, and Note No. 1.

[16]Article XXII is a new article; it was proposed by the general assembly of 1893, ratified on Nov. 6, 1894, by a vote of 43,446 to 40,207, and declared adopted by the speaker of the house on Jan. 17, 1895. In the cases of Rice v. Palmer, 78 Ark. 432, and Boyett v. Cowling, 78 Ark. 432, decided on April 23, 1906, it was held that this proposed amendment had never been legally adopted as it had not received a majority of the votes cast at the election at which it was submitted.

[17]Article XXIII is a new article; it was proposed by the general assembly of 1897, ratified at the election of Nov. 8, 1898, and declared adopted by the speaker of the house on Jan. 13, 1899. See Article XXIV.

ties; and said court shall have power, after authority given as hereinaft provided, to levy a tax not exceeding three mills on the dollar on all taxab property for a period of time not to exceed thirty years, to borrow mone issue bonds and pledge the revenues arising from the tax levied for a perio of time, to pay the interest and principal of any sum or sums so borrowe All bonds issued by authority herein given shall bear a rate of interest n to exceed six per cent per annum. All sums so borrowed shall be used excl sively in making and repairing the public roads and bridges in the count The annual tax and the tax for period of years shall not both be levied an be in force at the same time in any county—the levy of one shall exclude th levy of the other.

Before any levy of taxes herein authorized shall be made, the questio of levying such tax shall be submitted to the qualified electors of the count at a general or special election called for that purpose, at which a majorit of the qualified electors voting at such an election shall have voted in favo of such levy of taxes.[18]

SCHEDULE

SECTION 1. All laws now in force which are not in conflict or inconsis tent with this constitution shall continue in force until amended or repeale by the general assembly, and all laws exempting property from sale on exe cution or by decree of a court which were in force at the time of the adop tion of the constitution of 1868 shall remain in force with regard to contract made before that time. Until otherwise provided by law, no distinction shal exist between sealed and unsealed instruments concerning contracts betwee individuals executed since the adoption of the constitution of 1868, provide that the statutes of limitation with regard to sealed and unsealed instrument in force at that time continue to apply to all instruments afterward execute until altered or repealed.

SEC. 2. In civil actions no witness shall be excluded because he is a part to the suit or interested in the issue to be tried. Provided, that in actions by or against executors, administrators or guardians in which judgment may be rendered for or against them, neither party shall be allowed to testify agains the other as to any transactions with or statements of the testator, intestat or ward, unless called to testify thereto by the opposite party. Provided, fur ther, that this section may be amended or repealed by the general assembly

SEC. 3. An election shall be held at the several election precincts of every county of the state on Tuesday, the 13th day of October, 1874, for governor secretary of state, auditor, treasurer, attorney-general, commissioner of state lands for two years, unless the office is sooner abolished by the general assem bly, chancellor and clerk of the separate chancery court of Pulaski county chief justice and two associate justices of the supreme court, a circuit judge and prosecuting attorney for each judicial circuit provided for in this constitu tion, senators and representatives to the general assembly, all county and town ship officers provided for in this constitution; and also for the submission of this constitution to the qualified electors of the state for its adoption or rejection.

SEC. 4. The qualification of voters at the election to be held as provided in this schedule shall be the same as is now prescribed by law.

SEC. 5. The state board of supervisors hereinafter mentioned shall give notice of said election immediately after the adoption of this constitution by this convention by proclamation in at least two newspapers published at Lit tle Rock and such other newspapers as they may select. And each county board of supervisors shall give public notice in their respective counties of said election immediately after their appointment.

SEC. 6. The governor shall also issue a proclamation enjoining upon all peace officers the duty of preserving good order on the day of said election and preventing any disturbance of the same.

[18][Article XXIV] is a new article; it was proposed by the general assembly of 1915, ratified at the election of Nov. 7, 1916, and declared adopted by the speaker of the house on

SEC. 7. Augustus H. Garland, Gordon N. Peay and Dudley E. Jones are hereby constituted a state board of supervisors of said election, who shall take an oath faithfully and impartially to discharge the duties of their office, a majority of whom shall be a quorum, and who shall perform the duties herein assigned them. Should a vacancy occur in said board by refusal to serve, death, removal, resignation or otherwise, or if any member should become incapacitated from performing said duties, the remaining members of the board shall fill the vacancy by appointment. But, if all the places on said board become vacant at the same time, the said vacancies shall be filled by the president of this convention.

SEC. 8. Said state board shall at once proceed to appoint a board of election supervisors for each county of this state, consisting of three men of known intelligence and uprightness of character, who shall take the same oath as above provided for the state board. A majority of each board shall constitute a quorum and shall perform the duties herein assigned to them; and vacancies occurring in the county boards shall be filled by the state board.

SEC. 9. The state board shall provide the form of poll-books, and each county board shall furnish the judges of each election precinct with three copies of the poll-books in the form prescribed and with ballot-boxes at the expense of the county.

SEC. 10. The state board of supervisors shall cause to be furnished in pamphlet form a sufficient number of copies of this constitution to supply each county supervisor and judge of election with a copy, and shall forward the same to the county election boards for distribution.

SEC. 11. The boards of county election supervisors shall at once proceed to appoint three judges of election for each election precinct in their respective counties, and the judges shall appoint three election clerks for their respective precincts, all of whom shall be good, competent men, and take an oath as prescribed above. Should the judges of any election precinct fail to attend at the time and place provided by law or decline to act, the assembled electors shall choose competent persons in the manner provided by law to act in their place, who shall be sworn as above.

SEC. 12. Said election shall be conducted in accordance with existing laws, except as herein provided. As the electors present themselves at the polls to vote the judges of the election shall pass upon their qualifications and the clerks of the election shall register their names on the poll-books if qualified; and such registration by said clerks shall be a sufficient registration in conformity with the constitution of this state, and then their votes shall be taken.

SEC. 13. Each elector shall have written or printed on his ticket "For Constitution" or "Against Constitution," and also the offices and the names of the candidates for the offices for whom he desires to vote.

SEC. 14. The judges shall deposit the tickets in the ballot-box; but no elector shall vote outside of the township or ward in which he resides. The names of the electors shall be numbered and the corresponding numbers shall be placed on the ballots by the judges when deposited.

SEC. 15. All dram shops and drinking houses in this state shall be closed during the day of said election and the succeeding night, and any person selling or giving away intoxicating liquors during said day or night shall be punished by fine not less than two hundred dollars for each and every offense, or imprisoned not less than six months, or both.

SEC. 16. The polls shall be opened at 8 o'clock in the forenoon and shall be kept open until sunset. After the polls are closed the ballots shall be counted by the judges at the place of voting as soon as the polls are closed, unless prevented by violence or accident, and the results by them certified on the poll-books and the ballots sealed up. They shall be returned to the county board of election supervisors, who shall proceed to cast up the votes and ascertain and state the number of votes cast for the constitution and the number cast against the constitution, and also the number of votes cast for each candidate voted for for any office, and shall forthwith forward to the state board of supervisors, duly certified by them, one copy of the statement

or abstracts of the votes so made out by them, retain one copy in their possession and file one copy in the office of the county clerk, where they shall also deposit for safe-keeping the ballots, sealed up, and one copy of the poll books, retaining possession of the other copies.

SEC. 17. The state board of supervisors shall at once proceed, on receiving such returns from the county board, to ascertain therefrom and state the whole number of votes given for the constitution and the whole number given against it, and if a majority of all votes cast be in favor of the constitution they shall at once make public that fact by publication in two or more of the leading newspapers published in the City of Little Rock, and this constitution, from that date, shall be in force; and they shall also make out and file in the office of the secretary of state an abstract of all the votes cast for the constitution and all the votes cast against it, and also an abstract of all votes cast for every candidate voted for at the election, and file the same in the office of the secretary of state, showing the candidate elected. They shall also make out and certify and lay before each house of the general assembly a list of the members elected to that house and shall also make out, certify and deliver to the speaker of the house of representatives an abstract of all votes cast at the election for any and all persons for the office of governor, secretary of state, treasurer of state, auditor of state, attorney-general and commissioner of state lands, and the said speaker shall cast up the votes and announce the names of the persons elected to these offices. The governor, secretary of state, treasurer of state, auditor of state, attorney-general and commissioner of state lands chosen at said election shall qualify and enter upon the discharge of the duties of their respective offices within fifteen days after the announcement of their election as aforesaid.

SEC. 18. All officers shown to be elected by the abstract of said election filed by the state board of supervisors in the office of the secretary of state, required by this constitution to be commissioned, shall be commissioned by the governor.

SEC. 19. At said election the qualified voters of each county and senatorial district, as defined in article eight of this constitution, shall elect respectively representatives and senators according to the numbers and apportionment contained in said article. The board of election supervisors of each county shall furnish certificates of election to the person or persons elected to the house of representatives as soon as practicable after the result of the election has been ascertained, and such board of election supervisors in each county shall make a correct return of the election for senator or senators to the board of election supervisors of the county first named in the senatorial apportionment, and said board shall furnish certificates of election to the person or persons elected as senator or senators in said senatorial district as soon as practicable.

SEC. 20. All officers elected under this constitution, except the governor, secretary of state, auditor of state, treasurer, attorney-general and commissioner of state lands, shall enter upon the duties of their several offices when they shall have been declared duly elected by said state board of supervisors and shall have duly qualified. All such officers shall qualify and enter upon the duties of their office within fifteen days after they have been duly notified of their election.

SEC. 21. Upon the qualification of the officers elected at said election the present incumbents of the offices for which the election is held shall vacate the same and turn over to the officers thus elected and qualified all books, papers, records, moneys and documents belonging or pertaining to said offices by them respectively held.

SEC. 22. The first session of the general assembly under this constitution shall commence on the first Tuesday after the second Monday in November, 1874.

SEC. 23. The county courts provided for in this constitution shall be regarded in law as a continuation of the boards of supervisors now existing by law, and the circuit courts shall be regarded in law as continuations of the criminal courts wherever the same may have existed in their respective coun-

ties, and the probate courts shall be regarded as continuations of the circuit courts for the business within the jurisdiction of such probate courts, and the papers and records pertaining to said courts and jurisdictions shall be transferred accordingly; and no suit or prosecution of any kind shall abate because of any change made in this constitution.

SEC. 24. All officers now in office whose offices are not abolished by this convention shall continue in office and discharge the duties imposed on them by law until their successors are elected and qualified under this constitution. The office of commissioner of state lands shall be continued, provided that the general assembly at its next session may abolish or continue the same in such manner as may be prescribed by law.

SEC. 25. Any election officer appointed under the provisions of this schedule who shall fraudulently and corruptly permit any person to vote illegally, or refuse the vote of any qualified elector, cast up or make a false return of said election, shall be deemed guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than five years nor more than ten years. And any person who shall vote when not a qualified elector, or vote more than once, or bribe any one to vote contrary to his wishes, or intimidate or prevent any elector by threats, menace or promises from voting, shall be guilty of a felony, and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

SEC. 26. All officers elected at the election provided for in this schedule shall hold their offices for the respective periods provided for in the foregoing constitution, and until their successors are elected and qualified. The first general elections after the ratification of this constitution shall be held on the first Monday of September, A. D. 1876. Nothing in this constitution and the schedule thereto shall be so construed as to prevent the election of congressmen at the time as now prescribed by law.

SEC. 27. The sum of five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated to defray the expenses of the election provided for in this schedule, and the auditor of state shall draw his warrant on the treasurer for such expenses not exceeding said amount on the certificate of the state board of supervisors of election.

SEC. 28. For the period of two years from the adoption of this constitution, and until otherwise provided by law, the respective officers herein enumerated shall receive for their services the following salaries per annum:

For governor the sum of $3,500.00; for secretary of state the sum of $2,000.00; for treasurer the sum of $2,500.00; for auditor the sum of $2,500.00; for attorney-general the sum of $2,000.00; for commissioner of state lands the sum of $2,000.00; for judges of the supreme court, each, the sum of $3,500.00; for judges of circuit and chancery courts, each, the sum of $2,500.00; for prosecuting attorneys, each, the sum of $400.00; for members of the general assembly the sum of $6.00 per day and twenty cents per mile for each mile traveled in going to and returning from the seat of government over the most direct and practicable route.

Done in convention at Little Rock the seventh day of September, in the year of our Lord one thousand eight hundred and seventy-four, and of the Independence of the United States the ninety-ninth.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

GRANDISON D. ROYSTON,
President of the Convention, and
Delegate from the County of Hempstead.

THOMAS W. NEWTON, *Secretary.*

CONSTITUTION OF CALIFORNIA—1879.*

PREAMBLE.

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous

*The constitution of California was framed by a convention which assembled in Sacramento on September 28, 1878, and adjourned on March 3, 1879, and was ratified by the people on May 7, 1879. So far as it relates to the election of officers and the commencement of the terms of office, this constitution took effect on July 4, 1879; in all other respects it took effect on January 1, 1880. The constitution was submitted as a whole and no propositions were submitted separately.

s true, and was published with good motives, and for justifiable ends, the arty shall be acquitted; and the jury shall have the right to determine the w and the fact. Indictments found, or information laid, for publications in ewspapers, shall be tried in the county where such newspapers have their ublication office, or in the county where the party alleged to be libeled resided t the time of the alleged publication, unless the place of trial shall be changed r good cause.

SEC. 10. The people shall have the right to freely assemble together to onsult for the common good, to instruct their representatives, and to petition he Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standg army shall be kept up by this State in time of peace, and no soldier shall, time of peace, be quartered in any house without the consent of the owner; r in time of war, except in the manner prescribed by law.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process the court to compel the attendance of witnesses in his behalf, and to appear d defend, in person and with counsel. No person shall be twice put in opardy for the same offense; nor be compelled, in any criminal case, to be a itness against himself; nor be deprived of life, liberty or property without due rocess of law. The Legislature shall have power to provide for the taking, the presence of the party accused and his counsel, of depositions of witsses, in criminal cases other than cases of homicide, when there is reason to lieve that the witness, from inability or other cause, will not attend at the ial.

SEC. 14. Private property shall not be taken or damaged for public use ithout just compensation having first been made to, or paid into court for, e owner, and no right of way shall be appropriated to the use of any corration other than municipal until full compensation therefor be first made money or ascertained and paid into court for the owner, irrespective of any nefits from any improvement proposed by such corporation, which compensaon shall be ascertained by a jury, unless a jury be waived, as in other civil ses in a court of record, as shall be prescribed by law. The taking of private operty for a railroad run by steam or electric power for logging or lumring purposes shall be deemed a taking for a public use, and any person, n, company or corporation taking private property under the law of eminent main for such purposes shall thereupon and thereby become a common rrier.[1]

SEC. 15. No person shall be imprisoned for debt in any civil action, on esne or final process, unless in cases of fraud, nor in civil actions for torts, cept in cases of wilful injury to person or property; and no person shall be prisoned for a militia fine in time of peace.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the igations of contracts, shall ever be passed.

SEC. 17. Foreigners, of the white race, or of African descent, eligible to come citizens of the United States under the naturalization laws thereof, ile bona fide residents of this State, shall have the same rights in respect the acquisition, possession, enjoyment, transmission, and inheritance of all operty, other than real estate, as native born citizens; *provided*, that such ens owning real estate at the time of the adoption of this amendment may ntain such owners; *and provided, further*, that the Legislature may, by tute, provide for the disposition of real estate which shall hereafter be uired by such aliens by descent or devise.[2]

SEC. 18. Neither slavery nor involuntary servitude, unless for the punish nt of crime, shall ever be tolerated in this State.

[1] Amendment proposed by the legislature of 1911 and ratified at the election of ober 10, 1911.

[2] Amendment proposed by the legislature of 1894 and ratified at the election of Noember 6, 1894.

SEC. 19. The right of the people to be secure in their persons, house papers and effects, against unreasonable seizures and searches, shall not violated; and no warrant shall issue but on probable cause, supported by oa or affirmation, particularly describing the place to be searched and the pers and things to be seized.

SEC. 20. Treason against the State shall consist only in levying w against it, adhering to its enemies, or giving them aid and comfort. No pers shall be convicted of treason unless on the evidence of two witnesses to t same overt act, or confession in open court.

SEC. 21. No special privileges or immunities shall ever be granted whi may not be altered, revoked, or repealed by the Legislature, nor shall a citizen, or class of citizens, be granted privileges or immunities which, up the same terms, shall not be granted to all citizens.

SEC. 22. The provisions of this Constitution are mandatory and proh itory, unless by express words they are declared to be otherwise.

SEC. 23. This enumeration of rights shall not be construed to impair deny others retained by the people.

SEC. 24. No property qualification shall ever be required for any pers to vote or hold office.

SEC. 25. The people shall have the right to fish upon and from pub lands of the State and in the waters thereof, excepting upon lands set asi for fish hatcheries, and no land owned by the State shall ever be sold transferred without reserving in the people the absolute right to fish the upon; and no law shall ever be passed making it a crime for the people enter upon the public lands within this State for the purpose of fishing in a water containing fish that have been planted therein by the State; *provid* that the Legislature may by statute, provide for the season when and the co ditions under which the different species of fish may be taken.[3]

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native citizen of the United States, every person w shall have acquired the rights of citizenship under or by virtue of the trea of Queretaro, and every naturalized citizen thereof, who shall have beco such ninety days prior to any election, of the age of twenty-one years, w shall have been resident of the State one year next preceding the election, a of the county in which he or she claims his or her vote ninety days, and the election precinct thirty days, shall be entitled to vote at all electio which are now or may hereafter be authorized by law; *provided*, no nat of China, no idiot, no insane person, no person convicted of any infamo crime, no person hereafter convicted of the embezzlement or misappropriati of public money, and no person who shall not be able to read the Constituti in the English language and write his or her name, shall ever exercise t privileges of an elector in this State; *provided*, that the provisions of t amendment relative to an educational qualification shall not apply to any p son prevented by a physical disability from complying with its requisitio nor to any person who now has the right to vote, nor to any person who sh be sixty years of age and upwards at the time this amendment shall ta effect.[4]

SEC. 2. Electors shall in all cases, except treason, felony, or breach of t peace, be privileged from arrest on the days of election, during their atte ance at such election, going to and returning therefrom.

SEC. 2½. The Legislature shall have the power to enact laws relative the election of delegates to conventions of political parties; and the Legislatu

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[3]Section 25 is new; it was proposed by the legislature of 1909 and ratified the election of November 8, 1910.

[4]Section 1 has been amended twice; the first amendment was proposed by t legislature of 1893 and ratified at the election of November 6, 1894; the pres amendment was proposed by the legislature of 1911 and ratified at the election October 10, 1911.

shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors, without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision; *provided, however*, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect.[5]

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved.[6]

SEC. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have the power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose.[7]

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in this Constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:"

The first power reserved to the people shall be known as the initiative.

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[5] Section 2½ is a new section; it was originally proposed by the legislature of 1899 and was ratified at the election of November 6, 1900; the present amendment was proposed by the legislature of 1907 and was ratified at the election of November 3, 1908.

[6] Amendment proposed by the legislature of 1895 and ratified at the election of November 3, 1896.

[7] Section 6 is a new section; it was proposed by the legislature of 1901 and ratified at the election of November 4, 1902.

Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the Secretary of State, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the Legislature."

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act, which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; *provided, however*, that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the Secretary of State within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called

by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Any act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No act, law or amendment to the Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no act, law or amendment to the Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the Constitution, proposed by the Legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office

the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the Secretary of State and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the Secretary of State, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State his certificate showing such fact. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the State. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this Constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this State, except as is herein otherwise provided. This section is self executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved.[8]

SEC. 2. The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three

[8]Amendment proposed by the legislature of 1911 and ratified at the election of October 10, 1911.

urths of the members thereof, nor shall more than two bills be introduced any one member after such reassembling.[9]

SEC. 3. Members of the Assembly shall be elected in the year eighteen ndred and seventy-nine, at the time and in the manner now provided by w. The second election of members of the Assembly, after the adoption of is Constitution, shall be on the first Tuesday after the first Monday in ovember, eighteen hundred and eighty. Thereafter members of the Assem- y shall be chosen biennially, and their term of office shall be two years; and ch election shall be on the first Tuesday after the first Monday in November, less otherwise ordered by the Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same ne and places as members of the Assembly, and no person shall be a member the Senate or Assembly who has not been a citizen and inhabitant of the ate three years, and of the district for which he shall be chosen one year, xt before his election.

SEC. 5. The Senate shall consist of forty members, and the Assembly of ghty members, to be elected by districts, numbered as hereinafter provided. ne seats of the twenty Senators elected in the year eighteen hundred and ghty-two from the odd-numbered districts shall be vacated at the expiration the second year, so that one half of the Senators shall be elected every two ars; *provided*, that all the Senators elected at the first election under this onstitution shall hold office for the term of three years.

SEC. 6. For the purpose of choosing members of the Legislature, the State all be divided into forty senatorial and eighty assembly districts, as nearly ual in population as may be, and composed of contiguous territory, to be lled senatorial and assembly districts. Each senatorial district shall choose e Senator, and each assembly district shall choose one Member of Assembly. ne senatorial districts shall be numbered from one to forty, inclusive, in merical order, and the assembly districts shall be numbered from one to ghty in the same order, commencing at the northern boundary of the State and ding at the southern boundary thereof. In the formation of such districts county, or city and county, shall be divided, unless it contains sufficient pulation within itself to form two or more districts, nor shall a part of any unty, or of any city and county, be united with any other county, or city d county, in forming any district. The census taken under the direction of Congress of the United States in the year one thousand eight hundred and ghty, and every ten years thereafter, shall be the basis of fixing and adjust- the legislative districts; and the Legislature shall, at its first session after ch census, adjust such districts and reapportion the representation so as to serve them as near equal in population as may be. But in making such justment no persons who are not eligible to become citizens of the United ates, under the naturalization laws, shall be counted as forming a part of population of any district. Until such districting as herein provided for all be made, Senators and Assemblymen shall be elected by the districts ording to the apportionment now provided for by law.

SEC. 7. Each house shall choose its officers, and judge of the qualifica- ns, elections, and returns of its members.

SEC. 8. A majority of each house shall constitute a quorum to do busi- ss, but a smaller number may adjourn from day to day, and may compel the ndance of absent members in such manner and under such penalties as h house may provide.

Section 2 has been amended twice; the first amendment was proposed by the slature of 1907 and was ratified at the election of November 3, 1908; the present endment was proposed by the legislature of 1911 and was ratified at the election October 10, 1911. The text of the amendment as adopted in 1908 is as follows: tion 2. The sessions of the Legislature shall commence at twelve o'clock M. on first Monday after the first day of January next succeeding the election its members, and after the election held in the year eighteen hundred and eight- l be biennial, unless the Governor shall, in the interim, convene the Legislature proclamation. No bill shall be introduced in either house forty days after the mencement of each session without the consent of three-fourths of the members eof.

SEC. 9. Each house shall determine the rule of its proceeding, and ma with the concurrence of two-thirds of all the members elected, expel a membe

SEC. 10. Each house shall keep a journal of its proceedings, and publis the same; and the yeas and nays of the members of either house, on an question, shall, at the desire of any three members present, be entered on th journal.

SEC. 11. Members of the Legislature shall, in all cases, except treaso felony, and breach of the peace, be privileged from arrest, and shall not b subject to any civil process during the session of the Legislature, nor f fifteen days next before the commencement and after the termination of ea session.

SEC. 12. When vacancies occur in either house, the Governor, or th person exercising the functions of the Governor, shall issue writs of electi to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasio as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjou for more than three days, nor to any place other than that in which they ma be sitting. Nor shall the members of either house draw pay for any rece or adjournment for a longer time than three days.

SEC. 15. No law shall be passed except by bill. Nor shall any bill put upon its final passage until the same, with the amendments thereto, sha have been printed for the use of the members; nor shall any bill become law unless the same be read on three several days in each house, unless, case of urgency, two-thirds of the house where such bill may be pending, sha by a vote of yeas and nays, dispense with this provision. Any bill may ori nate in either house, but may be amended or rejected by the other; and the final passage of all bills they shall be read at length, and the vote sha be by yeas and nays upon each bill separately, and shall be entered on t journal, and no bill shall become a law without the concurrence of a majori of the members elected to each house.

SEC. 16. Every bill which may have passed the Legislature shall, befo it becomes a law, be presented to the Governor. If he approve it, he shall si it; but if not, he shall return it, with his objections, to the house in which originated, which shall enter such objections upon the journal and proceed reconsider it. If after such reconsideration, it again pass both houses, yeas and nays, two-thirds of the members elected to each house voting ther for, it shall become a law, notwithstanding the Governor's objections. If a bill shall not be returned within ten days after it shall have been present to him (Sundays excepted), the same shall become a law in like manner if he had signed it, unless the Legislature, by adjournment, prevents su return, in which case it shall not become a law, unless the Governor, with thirty days after such adjournment (Sundays excepted), shall sign and depo the same in the office of the Secretary of State, in which case it shall becom a law in like manner as if it had been signed by him before adjournment. any bill presented to the Governor contains several items of appropriation money, he may object to one or more items, while approving other portio of the bill. In such case he shall append to the bill at the time of signing a statement of the items to which he objects, and the reasons therefor, a the appropriation so objected to shall not take effect unless passed over t Governor's veto, as hereinbefore provided. If the Legislature be in session, t Governor shall transmit to the house in which the bill originated a copy of su statement, and the items so objected to shall be separately reconsidered in t same manner as bills which have been disapproved by the Governor.[10]

SEC. 17. The Assembly shall have the sole power of impeachment, a all impeachments shall be tried by the Senate. When sitting for that purpo the Senators shall be upon oath or affirmation, and no person shall be co victed without the concurrence of two-thirds of the members elected.

[10]Amendment proposed by the legislature of 1907 and ratified at the election November 3, 1908.

SEC. 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, Judges of the District Court of Appeal, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.[11]

SECTION 19. No Senator or member of Assembly shall, during the time for which he shall have been elected, hold or accept any office, trust or employment under the State; *provided*, that this provision shall not apply to any office filled by election by the people.[12]

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices.

SEC. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any state, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the state treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have at any time the right to inquire into the management of such institution; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature; *provided, however*, that for the purpose of raising five million dollars ($5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama-Pacific International Exposition, the State Board of Equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the State, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars ($1,250,000). The said taxes shall be levied, assessed, and collected upon

[11]Amendment proposed by the legislature of 1911 and ratified at the election of October 10, 1911.

[12]Amendment proposed by the initiative and ratified at the election of November 7, 1916.

every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the first day of July, 1910, and in the same manner, and by the same method, as other State taxes were levied, assessed, and collected under the law, as the same existed on the first day of July, 1910. The State Board of Equalization shall each year, at the time it determines the amount of revenue required for other State purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the State treasury a fund to be known as the Panama-Pacific International Exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the State treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama-Pacific International Exposition. No tax, license fee or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific International Exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama-Pacific International Exposition Commission of the State of California, which shall consist of the Governor of said State and four other members to be appointed by the Governor, by and with the advice and consent of the Senate of said State. The Governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the State, and the appointment thereof shall be made by the Governor of the State during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific International Exposition fund: *and provided, further*, that the Legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the State treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State of California of any portion of said Panama-Pacific International Exposition fund unused.

The commission herein created is authorized and directed to make such proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco.[13]

SEC. 23. The members of the Legislature shall receive for their services the sum of one thousand dollars each for each regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the state treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help; but in no case shall the

[13]Amendment proposed by the legislature at the extra session of 1910 and ratified at the election of November 8, 1910.

total expense for officers, employees and attaches exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed.[14]

SEC. 23*a*. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers, employees and attaches exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed.[15]

SEC. 24. Every act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by reference to its title; but in such case the act revised or section amended shall be reenacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

Second—For the punishment of crimes and misdemeanors.

Third—Regulating the practice of courts of justice.

Fourth—Providing for changing the venue in civil or criminal actions.

Fifth—Granting divorces.

Sixth—Changing the names of persons or places.

Seventh—Authorizing the laying out, opening, altering, maintaining or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

Tenth—For the assessment or collection of taxes.

Eleventh—Providing for conducting elections or designating the places of voting, except on the organization of new counties.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

Fourteenth—Giving effect to invalid deeds, wills, or other instruments.

Fifteenth—Refunding money paid into the state treasury.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

Twentieth—Exempting property from taxation.

Twenty-first—Changing county seats.

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[14]Amendment proposed by the legislature of 1907 and ratified at the election of November 3, 1908.

[15]Section 23a is a new section; it was proposed by the legislature of 1907 and ratified at the election of November 3, 1908.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

Twenty-ninth—Affecting the fees or salary of any officer.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

SEC. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts.[16]

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State.[17]

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

SEC. 28. In all elections by the Legislature the members thereof shall vote *viva voce*, and the vote shall be entered on the journal.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the state officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

SEC. 30. Neither the Legislature, nor any county, city and county, town-

[16]Section 25½ is a new section; it was proposed by the legislature of 1901 and was ratified at the election of November 4, 1902.

[17]Amendment proposed by the legislature of 1907 and ratified at the election of November 3, 1908.

ship, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose, whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section (shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation)[18] shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, further*, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country.[19]

SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part, nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage, in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and

[18] It will be observed that the words enclosed in the paranthesis are repeated; they occurred in this form in the resolution by which the amendment was submitted to the people, and as no change could be made thereafter the section was voted on and adopted in this form.

[19] Amendment proposed by the legislature of 1913 and ratified at the election of November 3, 1914.

it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

SEC. 36. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway.[20]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of California.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election and attained the age of twenty-five years at the time of such election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto.

[20]Section 36 is a new section; it was proposed by the legislature of 1901 and was ratified at the election of November 4, 1902.

SEC. 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein.[21]

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and either the Lieutenant-Governor nor the President *pro tempore* of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election.[22]

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars, the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided*,

[21] Amendment proposed by the legislature of 1897 and ratified at the election of November 8, 1898.

[22] Amendment proposed by the legislature of 1897 and ratified at the election of November 8, 1898.

however, that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical services in any office provided for in this article exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.[23]

SEC. 20. United States Senators shall be elected by the people of the State in the manner provided by law.[24]

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts and such inferior courts as the Legislature may establish in any incorporated city or town, township, county, or city and county.[25]

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department, but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to be heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in department, shall be given in

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[23]Amendment proposed by the legislature of 1913 and ratified at the election of November 3, 1914.

[24]Amendment proposed by the legislature of 1913 and ratified at the election of November 3, 1914.

[25]Section 1 has been amended twice; the first amendment was proposed by the legislature of 1903 and was ratified at the election of November 8, 1904; the present amendment was proposed by the legislature of 1911 and ratified at the election of October 10, 1911. The text of the amendment as adopted in 1904 is as follows: Section 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county.

writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general state elections, at the time and places at which state officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election after the adoption and ratification of this Constitution.

SEC. 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal, which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Cour tor before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three justices. The first district shall embrace the following counties. San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer, Solano, Sacramento, El Dorado, San Joaquin, Amador, Calveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general state elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid; the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case

may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of the District Court of Appeal to act *pro tempore* in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice of the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act *pro tempore* in the place of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts.[26]

SEC. 4½. No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.[27]

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual

[26] Amendment proposed by the legislature of 1909 and ratified at the election of November 8, 1904.

[27] Section 4½ is a new section; it was proposed originally by the legislature of 1911 and was ratified at the election of October 10, 1911; the present amendment was proposed by the legislature of 1913 and was ratified at the election of November 3, 1914. The text of the section as originally adopted is as follows: Sec. 4½. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice.

custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.[28]

SEC. 6. There shall be in each of the organized counties or cities and counties, of the State, a Superior Court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose, from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda there shall be elected two such judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

SEC. 8. A judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judges, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session.[29]

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have for-

[28] Amendment proposed by the legislature of 1911 and ratified at the election of October 10, 1911.

[29] Amendment proposed by the legislature of 1909 and ratified at the election of November 8, 1910.

feited his office. The Legislature of the State may, at any time, two-thirds of the members of the Senate and two-thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected.

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two-thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal.[30]

SEC. 11. The Legislature shall determine the number of each of the inferior courts in incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that the Legislature shall provide that said courts shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars.[31]

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record.[32]

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof.

SEC. 14. The county clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law.[33]

SEC. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; *provided*, that Justices of the Peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected.[34]

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person.[35]

[30]Amendment proposed by the legislature of 1903 and ratified at the election of November 8, 1904.
[31]Amendment proposed by the legislature of 1911 and ratified at the election of October 10, 1911.
[32]Amendment proposed by the legislature of 1903 and ratified at the election of November 8, 1904.
[33]Amendment proposed by the legislature of 1911 and ratified at the election of October 10, 1911.
[34]Amendment proposed by the legislature of 1911 and ratified at the election of October 10, 1911.
[35]Amendment proposed by the legislature of 1903 and ratified at the election of November 8, 1904.

SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law.* The salaries of the Judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the judges of the Superior Court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D. one thousand nine hundred and seven, the Justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the Justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly.[36]

SEC. 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.[37]

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 20. The style of process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority.

SEC. 21. The Supreme Court shall appoint a clerk of the Supreme Court: *provided, however*, that any person elected to the office of Clerk of the Supreme Court before the adoption hereof, shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.[38]

SEC. 22. No judge of a court of record shall practice law in any court of this State during his continuance in office.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court unless he shall have been admitted to practice before the Supreme Court of the State.[39]

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[36]Section 17 has been amended twice; the first amendment was proposed by the legislature of 1903 and ratified at the election of November 8, 1904; the present amendment was proposed by the legislature of 1905 and ratified at the election of November 6, 1906.

[37]Amendment proposed by the legislature of 1903 and ratified at the election of November 8, 1904.

[38]Section 21 has been amended twice; the first amendment was proposed by the legislature of 1903 and ratified at the election of November 8, 1904; the present amendment was proposed by the legislature of 1911 and ratified at the election of October 10, 1911. The text of the amendment as adopted in 1904 is as follows: "Section 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed.

[39]Amendment proposed by the legislature of 1903 and ratified at the election of November 8, 1904.

SEC. 24. No Judge of the Supreme Court nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decisions shall be stated. When the Justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court.[40]

SEC. 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1st, A. D. 1905.[41]

ARTICLE VII.

PARDONING POWER.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court.

ARTICLE VIII.

MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions.

SECTION 1. A general diffusion of knowledge and intelligence being essential to any law of this State, and receiving state support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any state or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement.

SEC. 2. A superintendent of public instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary

[40]Amendment proposed by the legislature of 1903 and ratified at the election of November 8, 1904.

[41]Section 25 is a new section; it was proposed by the legislature of 1903 and ratified at the election of November 8, 1904.

of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election.

SEC. 3. A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one superintendent for the counties so uniting.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new states under an act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the Legislatures may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 5. The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.

SEC. 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of day and evening elementary schools; but the Legislature may authorize and cause to be levied a special state school tax for the support of day and evening secondary schools and technical schools, or either of such schools included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied.[42]

SEC. 7. The legislature shall provide for the appointment or election of a state board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the day and evening elementary schools throughout the state. The state board may cause such textbooks, when adopted, to be printed and published by the superintendent of state printing, at the state printing office; and wherever and however such textbooks may be printed and published, they shall be furnished and distributed by the state free of cost or any charge whatever, to all children attending the day and evening elementary schools of the state, under such conditions as the legislature shall prescribe. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.[43]

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[42]Section 6 has been amended twice; the first amendment was proposed by the legislature of 1901 and ratified at the election of November 4, 1902; the present amendment was proposed by the legislature of 1907 and ratified at the election of November 3, 1908.

[43]Section 7 has been amended four times; the first amendment was proposed by the legislature of 1883 and ratified at the election of November 4, 1884; the second amendment was proposed by the legislature of 1893 and ratified at the election of November 6, 1894; the third amendment was proposed by the legislature of 1911 and ratified at the election of October 10, 1911; the present amendment was proposed by the legislature at the extra session of 1911 and ratified at the election of November 5, 1912. The text of the original section is as follows: Sec. 7. The local boards of education and the boards of supervisors, and the county superintendents of the several counti

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influences, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by act of Congress, approved July second, eighteen hundred and sixty-two (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress, and the interests of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate departments of the University on account of sex.

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning," etc., approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held

which may not have county boards of education, shall adopt a series of textbooks for the use of the common schools within their respective jurisdictions; the textbooks so adopted shall continue in use for not less than four years; they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions. The text of the amendment adopted in 1911 is as follows: The Governor, the Superintendent of Public Instruction, the President of the University of California, and the professor of pedagogy therein and the principals of the State normal schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of text-books for use in the common schools throughout the State.

The State board may cause such textbooks, when adopted, to be printed and published by the superintendent of State printing, at the State printing office; and when so printed and published, to be distributed and sold at the cost price of printing, publishing and distributing the same. The textbooks, so adopted, shall continue in use not less than four years without any change or alteration whatsoever which will require or necessitate the purchase of new books by such pupils, and said State board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions.

by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature.[44]

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.[45]

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.[46]

SEC. 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.[47]

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

SEC. 2. The board of directors shall have the charge and superintendence

[44]Section 10 is a new section; it was proposed by the legislature of 1899 and was ratified at the election of November 6, 1900.

[45]Section 11 is a new section; it was proposed by the legislature of 1899 and was ratified at the election of November 6, 1900.

[46]Section 12 is a new section; it was proposed by the legislature of 1903 and was ratified at the election of November 8, 1904.

[47]Section 13 is a new section; it was proposed by the legislature of 1905 and was ratified at the election of November 6, 1906.

of the State prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

SEC. 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employees of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

SEC. 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE XI.

COUNTIES, CITIES AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however*, that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.[48]

SEC. 4. The Legislature shall establish a system of county government, which shall be uniform throughout the State; and by general laws shall provide for township organizations, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and

[48]Section 3 has been amended twice; the first amendment was proposed by the legislature of 1893 and was ratified at the election of November 6, 1894; the present amendment was proposed by the legislature of 1909 and was ratified at the election of November 8, 1910.

for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage.[49]

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature shall, by general laws, provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed; and the Legislature may, by general laws, provide for the performance by county officers of certain of the municipal functions of cities and towns so incorporated, whenever a majority of the electors of any such city or town voting at a general or special election shall so determine. Cities and towns heretofore organized or incorporated may become organized under the general laws passed for that purpose, whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith. Cities and towns hereafter organized under charters framed and adopted by authority of this Constitution are hereby empowered, and cities and towns heretofore organized by authority of this Constitution may amend their charters in the manner authorized by this Constitution so as to become likewise empowered hereunder, to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns heretofore or hereafter organized by authority of this Constitution may, by charter provision or amendment, provide for the performance by county officers of certain of their municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a county charter framed and adopted by authority of this Constitution.[50]

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government.[51]

SEC. 7½. Any county may frame a charter for its own government consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one), and relating to matters authorized by provisions of the Constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three-fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county,

[49]Amendment proposed by the legislature of 1907 and ratified at the election of November 3, 1908.

[50]Section 6 has been amended twice; the first amendment was proposed by the legislature of 1895 and was ratified at the election of November 3, 1896; the present amendment was proposed by the legislature of 1913 and ratified at the election of November 3, 1914.

[51]Amendment proposed by the legislature of 1893 and ratified at the election of November 6, 1894.

whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said Board of Supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the

board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county: *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily

newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section, to provide, in addition to any other provisions allowable by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and

other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the Constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or

division thereof, in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city.[52]

SEC. 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of

[52] Section 7½ is a new section; it was proposed originally by the legislature of 1911 and was ratified at the election of October 10, 1911; the present amendment as proposed by the legislature of 1913 and was ratified at the election of November 3, 1914. The original section is identical with the amended section of 1914 except that the first sentence of the original section read as follows: "Any county may frame a charter for its own government consistent with and subject to the Constitution (or having framed such a charter, may frame a new one) relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election". Sub-section 4½ was first incorporated in 1914.

such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the Legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city; not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified; and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city or city and county.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose

mes appear upon the registration records of the same or preceding year. e election laws of such city or city and county shall, so far as applicable, rern all elections held under the authority of this section.[53]

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[53]Section 8 has been amended six times; the first amendment was proposed by the islature of 1887 and was ratified at the election of April 12, 1887; the second endment was proposed by the legislature of 1891 and was ratified at the election November 8, 1892; the third amendment was proposed by the legislature of 1901 l was ratified at the election of November 4, 1902; the fourth amendment was posed by the legislature of 1905 and was ratified at the election of November 6, 6; the fifth amendment was proposed by the legislature of 1911 and was ratified the election of October 10, 1911; the present amendment was proposed by the islature of 1913 and was ratified at the election of November 3, 1914. The text the original section is as follows: Sec. 8. Any city containing a population of re than one hundred thousand inhabitants may frame a charter for its own govern- nt, consistent with and subject to the Constitution and laws of this State, by sing a board of fifteen freeholders, who shall have been for at least five years lified electors thereof, to be elected by the qualified voters of such city, at any eral or special election, whose duty it shall be, within ninety days after such tion, to prepare and propose a charter for such city, which shall be signed in licate by the members of such board, or a majority of them, and returned one y thereof to the mayor, or other chief executive officer of such city, and the er to the recorder of deeds of the county. Such proposed charter shall then published in two daily papers of general circulation in such city for at least nty days, and within not less than thirty days after such publication it shall submitted to the qualified electors of such city at a general or special election. if a majority of such qualified electors voting thereat shall ratify the same, hall thereafter be submitted to the Legislature for its approval or rejection as hole, without power of alteration or amendment, and if approved by a majority of the members elected to each house, it shall become the charter of such city, f such city be consolidated with a county, then of such city and county, and l become the organic law thereof, and supersede any existing charter and all ndments thereof, and all special laws inconsistent with such charter. A copy such charter, certified by the mayor, or chief executive officer, and authenticated he seal of such city, setting forth the submission of such charter to the electors, its ratification by them, shall be made in duplicate, and deposited, one in the e of the Secretary of State, the other, after being recorded in the office of recorder leeds of the county, or city and county, among the archives of the city; all ts shall take judicial notice thereof. The charter so ratified may be amended ntervals of not less than two years, by proposals therefor submitted by legis- e authority of the city, to the qualified voters thereof at a general or special ion held at least sixty days after the publication of such proposals, and ratified t least three-fifths of the qualified electors voting thereat, and approved by the slature as herein provided for the approval of the charter. In submitting any charter, or amendment thereto, any alternative article or proposition may be nted for the choice of the voters, and may be voted on separately without udice to others. The text of the amendment of 1892 is as follows: Sec. 8. city containing a population of more than three thousand five hundred in- ants may frame a charter for its own government, consistent with and subject he Constitution and laws of this State by causing a board of fifteen freeholders, shall have been for at least five years qualified electors thereof, to be elected he qualified voters of said city, at any general or special election, whose duty all be, within ninety days after such election, to prepare and propose a charter such city, which shall be signed in duplicate by the members of such board, majority of them, and returned, one copy to the mayor thereof, or other chief utive officer of such city, and the other to the recorder of the county. Such osed charter shall then be published in two daily newspapers of general circula- in such city for at least twenty days, and the first publication shall be made n twenty days after the completion of the charter; *provided*, that in cities con- ng a population of not more than ten thousand inhabitants such proposed charter be published in one such daily newspaper; and within not less than thirty after such publication it shall be submitted to the qualified electors of said at a general or special election; and if a majority of such qualified electors g thereat shall ratify the same, it shall thereafter be submitted to the Legis- for its approval or rejection as a whole, without power of alteration or dment. Such approval may be made by concurrent resolution, and if approved majority vote of the members elected to each house it shall become the charter ch city, or if such city be consolidated with a county, then of such city and y, and shall become the organic law thereof, and supersede any existing charter, ll amendments thereof and all laws inconsistent with such charter. A copy ch charter, certified by the mayor or chief executive officer, and authenticated by al of such city, setting forth the submission of such charter to the electors, s ratification by them shall, after the approval of such charter by the Legis- be made in duplicate, and deposited, one in the office of the Secretary of and the other, after being recorded in said recorder's office, shall be deposited archives of the city; and thereafter all courts shall take judicial notice of harter. The charter so ratified may be amended, at intervals of not less than

SEC. 8*a*. The charter of the city and county of San Francisco may b amended, in addition to the method and the times provided in section eight o article XI of the Constitution, in the following particulars:

(*a*) Authorizing the city and county of San Francisco, a municipal co poration, by its legislative authority, to incur a bonded indebtedness in a amount not exceeding five million dollars, and to issue municipal bonds ther for, and to grant and turn over to the Panama-Pacific International Expositio Company (a corporation organized under the laws of the State of Californ March 22, 1910) the proceeds of said bonds, the same to be used and disburse by said exposition company for the purpose of an exposition to be held in th city and county of San Francisco to celebrate the completion of the Panam Canal; said bonds, so issued, to be of such form and to be redeemable, regi tered and converted in such manner and amounts, and at such times not lat than forty years from the date of their issue, as such legislative authori shall determine; the interest on said bonds to not exceed five per centum p annum, and said bonds to be exempt from all taxes for State and municip purposes, and to be sold for not less than par at such times and places, and

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two years, by proposals therefor, submitted by the legislative authority of the ci to the qualified electors thereof, at a general or special election held at least for days after the publication of such proposals for twenty days in a daily newspap of general circulation in such city, and ratified by at least three-fifths of t qualified electors voting thereat, and approved by the Legislature as herein provid for the approval of the charter. In submitting any such charter, or amendmen thereto, any alternative article or proposition may be presented for the choice the voters, and may be voted on separately without prejudice to others. The te of the amendment of 1911 is as follows: Sec. 8. Any city containing a populati of more than three thousand five hundred inhabitants as ascertained and establish by the last preceding census, taken under the direction of the Congress of the Unit States, or by a census of said city, taken, subsequent to the aforesaid cens under the direction of the legislative body thereof, under laws authorizing the taki of the census of cities, may frame a charter for its own government, consistent wi and subject to, the Constitution (or having framed such a charter, may frame new one), by causing a board of fifteen freeholders, who shall have been, for least five years, qualified electors thereof, to be elected by the qualified electors said city, at a general or special municipal election. Said board of freeholders n be so elected in pursuance of an ordinance adopted by a vote of two-thirds of the members of the council, or other legislative body, of such city, declaring th the public interest requires the election of such board for the purpose of prepar and proposing a charter for said city, or in pursuance of a petition of qualified elect of said city, as hereinafter provided. Such petition, signed by fifteen per cent of the qualified electors of said city computed upon the total number of votes c therein for all candidates for Governor at the last preceding general election which a Governor was elected, praying for the election of a board of fifteen fr holders to prepare and propose a charter for said city, may be filed in the of of the city clerk thereof. It shall be the duty of said city clerk, within twenty d after the filing of said petition, to examine the same and to ascertain from record of the registration of electors of the county, showing the registration electors of said city, whether the petition is signed by the requisite number of qu fied electors of such city. If required by said clerk, the council, or other legisla body, of said city shall authorize him to employ persons specially to assist in the work of examining such petition, and shall provide for their compensat Upon the completion of such examination, said clerk shall forthwith attach to petition his certificate, properly dated, showing the result thereof, and if, by certificate, it shall appear that said petition is signed by the requisite number qualified electors, said clerk shall present the said petition to said council, or o legislative body, at its next regular meeting after the date of such certificate. U the adoption of such ordinance, or the presentation of such petition, said cou or other legislative body, shall order the holding of a special election for the pur of electing such board of freeholders, which said special election shall be held less than twenty days, nor more than sixty days after the adoption of the ordin aforesaid, or the presentation of said petition to said council, or other legisla body; *provided*, that if a general municipal election shall occur in said city less than twenty days, nor more than sixty days, after the adoption of the ordin aforesaid, or the presentation of said petition to said council, or other legisl body, said board of freeholders may be elected at such general municipal elec Candidates for election as members of said board of freeholders shall be nomin by petition, substantially in the same manner as may be provided by general for the nomination by petition of electors of candidates for public offices to be v for at general elections.

It shall be the duty of said board of freeholders, within one hundred and tw days after the result of such election shall have been declared by said council other legislative body, to prepare and propose a charter for said city, which s

ch manner, as shall be determined by said legislative authority; the proceeds said bonds, when sold, to be payable immediately by the treasurer of said y and county to the treasurer of said Panama-Pacific International Exposi- n Company, upon the demand of said treasurer of said exposition company, thout the necessity of the approval of such demand by other authority, the me to be used and disbursed by said Panama-Pacific International Expo- ion Company for the purposes of such exposition, under the direction and ntrol of such exposition company;

(*b*) Providing that any bonded indebtedness incurred for the purposes oresaid shall be exclusive of the bonded indebtedness of the said city and unty limited by section nine of article XII of said charter;

(*c*) Granting to said Panama-Pacific International Exposition Company exclusive possession and use, together with the management and control, that portion of Golden Gate Park in the city and county of San Francisco sterly from Twentieth avenue, as extended, for such exposition purposes, h possession and use, also management and control, to terminate not later n one year after the closing of such exposition;

(*d*) Granting to said Panama-Pacific International Exposition Company exclusive possession and use, together with the management and control,

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signed in duplicate by the members of said board of freeholders, or a majority of m, and be filed, one copy in the office of the city clerk of said city, and the er in the office of the county recorder of the county in which said city is situated. l council, or other legislative body shall, thereupon, cause said proposed charter pe published for at least ten times in a daily newspaper of general circulation, ated, published and circulated in said city; *provided* that in any city where no daily newspaper is printed, published and circulated, such proposed charter ll be published, for at least three times in at least one weekly newspaper of eral circulation, printed, published and circulated in said city, and, in any event, first publication of such proposed charter shall be made within fifteen days after filing of a copy thereof as aforesaid, in the office of the city clerk. Such pro- d charter shall be submitted by said council, or other legislative body, to the ified electors of said city at a special election held not less than twenty days, more than forty days, after the completion of such publication; *provided*, that general municipal election shall occur in said city not less than twenty days, more than forty days, after the completion of such publication, then such pro- d charter may be so submitted at such general election. If a majority of such lified electors voting thereon at such general or special election shall vote in r of such proposed charter, it shall be deemed to be ratified, and shall be mitted to the Legislature, if it be in regular session, otherwise at its next lar session, or it may be submitted to the Legislature in extraordinary session its approval or rejection as a whole, without power of alteration or amendment. n approval may be made by concurrent resolution, and if approved by a majority of the members elected to each house, such charter shall become the charter such city, or, if such city be consolidated with a county, then of such city and ty, and shall become the organic law thereof, and supersede any existing charter ether framed under the provisions of this section of the Constitution or not), all amendments thereof, and all laws inconsistent with such charter. A copy of charter, certified by the mayor, or other chief executive officer of said city, authenticated under the seal of such city, setting forth the submission of such er to the electors of said city, and its ratification by them, shall, after the oval of such charter by the Legislature, be made in duplicate and deposited, in the office of the Secretary of State and the other, after being recorded in office of the recorder of the county in which such city is situated, shall be sited in the archives of the city, and thereafter all courts shall take judicial e of said charter.

e charter so ratified may be amended by proposals therefor submitted by the il, or other legislative body of the city, to the qualified electors thereof at a al or special municipal election held at intervals of not less than two years ept that charter amendments may be submitted at a general municipal election interval of less than two years after the last election on charter amendments; *ded*, that no other election on charter amendments has been held since the be- ng of the last regular session of the State Legislature or shall be held prior e next regular session of the State Legislature), and held not less than twenty nor more than forty days, after the completion of the publication of such sals for ten times in a daily newspaper of general circulation, printed, pub- and circulated in said city, or for three times in at least one weekly news- of general circulation, printed, published and circulated in said city, if there such daily newspaper. If a majority of such qualified electors voting thereon h general or special election shall vote in favor of any such proposed amendment mendments, or any amendment or amendments proposed by petition, as here- r provided, such amendment or amendments shall be deemed to be ratified, shall be forthwith submitted to the Legislature, if it be in regular session,

for such exposition purposes, of any lands held by the board of educatio of the city and county of San Francisco, and by the city and county of Sa Francisco, not in actual use, such possession and use, also management an control, to terminate not later than one year after the closing of such exp sition;

(*e*) Authorizing said Panama-Pacific International Exposition Compan to temporarily close streets in the city and county of San Francisco wester from Twentieth avenue, for such exposition purposes, and to have the excl sive possession and use, together with the management and control, of sa streets for such exposition purposes, such possession and use, also manag ment and control of said streets, to terminate not later than one year aft the closing of such exposition.

Proposals to amend the charter of the city and county of San Francis

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otherwise at its next regular session, or may be submitted to the Legislature extraordinary session, for approval or rejection as a whole, without power of alter tion or amendment, and if approved by the Legislature, as herein provided for t approval of the charter, such charter shall be amended accordingly. A copy of suc amendment or amendments shall, after the approval thereof by the Legislature, made in duplicate, and shall be authenticated, certified, recorded and filed as here provided for the charter, and with like force and effect. Whenever a petition sign by fifteen percentum of the qualified electors of the city, computed upon the tot number of votes cast therein for all candidates for Governor at the last precedin general election at which a Governor was elected, is filed in the office of the ci clerk of said city, petitioning the council, or other legislative body thereof, to subm any proposed amendment or amendments to the charter of such city, which amen ment or amendments shall be set forth in full in such petition to the qualifi electors thereof, such petition shall forthwith be examined and certified by the ci clerk, and if signed by the requisite number of qualified electors of said city, shall be presented to the said council, or other legislative body, by the said ci clerk, as hereinbefore provided for petition for the election of boards of freeholder Upon the presentation of said petition to said council, or other legislative body, sa council, or other legislative body, must submit the amendment or amendments set for in said petition to the qualified electors of said city, at a general or special municip election, held not less than twenty, nor more than forty, days after the completi of the publication of such proposed amendment or amendments in the same mann as hereinbefore provided in the case of the submission of any proposed amendment amendments to such charter, proposed and submitted by the council or other legi lative body. The first publication of any proposed amendment or amendments such charter so proposed by petition shall be made within fifteen days after t aforesaid presentation of said petition to said council, or other legislative bod In submitting any such charter, amendment or amendments thereto, any alternati article or proposition may be presented for the choice of the electors, and may voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, f the election of a board of freeholders, or for the submission of any proposed chart or any amendment or amendments thereto shall be called by the council, or oth legislative body thereof, by ordinance, which shall specify the purpose and time such election, and shall establish the election precincts and designate the polli places therein, and the names of the election officers for each such precinct. Su ordinance shall, prior to such election, be published five times in a daily newspap or twice in a weekly newspaper, if there be no such daily newspaper printed, pu lished and circulated in said city. Such election shall be held and conducted, returns thereof canvassed, and the result thereof declared by the council, or oth legislative body of such city, in the manner that is now or may be hereafter provid by general law for such elections in the particulars wherein such provision is n or may hereafter be made therefor, and in all other respects in the manner provid by law for general municipal elections, in so far as the same may be applica thereto.

Whenever any board of freeholders shall be elected, or any such proposed char or amendment or amendments thereto shall be submitted at a general municip election, the laws governing the election of city officers or the submission of pro sitions to the vote of electors, shall be followed in so far as the same may applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the author given in this section, or by amendment to such charter, to provide, in addition those provisions allowed by this Constitution and by the laws of the State, for establishment of a borough system of government for the whole or any part of territory of such city, by which one or more districts may be created there which districts shall be known as boroughs, and which shall exercise such spec municipal powers as may be granted by such charter, and for the organizati regulation, government and jurisdiction of such boroughs.

All provisions of this section relating to the city clerk shall, in any city county, be deemed to relate to the clerk of the legislative body thereof.

in the foregoing particulars may be submitted by the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the Legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama-Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco.[54]

SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of this article, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of municipal courts, with such civil and criminal jurisdiction as by law may be conferred upon inferior courts; and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; *provided*, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law.

In any city or any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court, and all records of such inferior courts shall thereupon be and become the records of such municipal court.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

It shall be competent in any charter framed in accordance with the provisions of this section, or section eight of this article, for any city or consol-

[54] Section 8a is a new section; it was proposed by the Legislature at the extra session of 1910 and was ratified on November 8, 1910.

idated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employees whose compensation is paid by such city or city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

5. It shall be competent in any charter or amendment thereof, which shall hereafter be framed under the authority given by section eight of this article, by any city having a population in excess of fifty thousand ascertained as prescribed by said section eight, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such charter, and to have combined powers of a city and county, as provided in this Constitution for consolidated city and county government, and further to prescribe in said charter the date for the beginning of the official existence of said consolidated city and county.

It shall also be competent for any such city, not having already consolidated as a city and county to hereafter frame, in the manner prescribed in section eight of this article, a charter providing for a city and county government, in which charter there shall be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

If no additional territory is proposed to be added, then, upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in section eight of this article, said charter shall be deemed adopted and upon the date fixed therein said city shall be and become a consolidated city and county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city so proposing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and the approval of said charter by the Legislature, as prescribed in section eight of this article, said charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed and upon the date fixed in said charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed

city and county, in accordance with the assessable valuation of the property of the said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms reference to any debts to be assumed, and if none insert 'none')."

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

"Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain charter, to be prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the said district so proposed to be added, and upon the approval of said charter by the Legislature, as prescribed in section eight of this article, said charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date fixed in said charter, such district and such city shall be and become one consolidated city and county.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situate in different counties, said annexed territory to be an integral part of such city and county, provided that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed, together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated ter-

ritory, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed, and at the time stated in such proposal, such additional territory and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows:

"Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consolidated city and county government, and that such district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation proposal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the

qualified electors voting thereon in any county or counties in which any such territory proposed to be annexed to said city and county is located, and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation, and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed, then, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town, as above provided, there shall be published, for at least five successive publications, in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed, as above referred to, unless such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published.

If, by the adoption of any charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this Constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision five or six of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a freeholders' charter, as provided for in this Constitution, to determine in said charter any and all matters elsewhere in this Constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section two of this article, and also those provisions of section three of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties, or to the formation of new counties, nor to the annexation of existing counties, as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately prior to its adoption of a charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

It shall be competent in any charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such municipal powers as may be granted thereto by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this Constitution, and the provisions of section eighteen of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions five and six of this section, including any such general or special act as may be necessary to permit a consolidated city and county to submit a new charter to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and, also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new charter.[55]

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[55]Section 8½ is a new section; it was proposed originally by the Legislature of 1895; ratified at the election of November 3, 1896, and has been amended twice; the first amendment was proposed by the Legislature of 1911 and was ratified at the election of October 10, 1911; the present amendment was proposed by the Legislature of 1913 and was ratified at the election of November 3, 1914. The text of the amendment as adopted in 1911 is as follows: Sec. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government and jurisdiction of police courts and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of

SEC. 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. 10. [Repealed November 8, 1910][56]

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal function whatever, except that the Legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this State.[57]

SEC. 13½. Any county, city and county, city, towns, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the State, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds.[58]

SEC. 14. The Legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation.[59]

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depositary, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

SEC. 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks

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such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the Superior Court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

[56]The original section 10 was repealed by an amendment proposed by the Legislature of 1909 and ratified at the election of November 8, 1910.

[57]Amendment proposed by the Legislature of 1913 and ratified at the election of November 3, 1914.

[58]Section 13½ is a new section; it was proposed originally by the Legislature of 1905 and ratified at the election of November 6, 1906; the present amendment of said original section was proposed by the Legislature of 1913 and was ratified at the election of November 3, 1914.

[59]Amendment proposed by the Legislature of 1911 and ratified at the election of October 10, 1911.

within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, or of any irrigation district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depositary bank or banks; *and provided, further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits.[60]

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided further*, that the city of Vallejo, of Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks, whenever two-thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. The city and county of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one-fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; *and provided, further*, that the county of Alameda may, upon the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars, and the legislative authority of said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine.

[60] Section 16½ is a new section; it was proposed originally by the Legislature of 1905 and ratified at the election of November 6, 1906; the present amendment was proposed by the Legislature of 1911 and was ratified at the election of November 6, 1912.

he same to be used and disbursed by said exposition company for the purposes f an exposition to be held in the city and county of San Francisco to celebrate he completion of the Panama canal; said bonds, so issued, to be of such form nd to be redeemable, registered and converted in such manner and amounts, nd at such times not later than forty years from the date of their issue as he legislative authority of said county of Alameda shall determine; the in- erest on said bonds not to exceed five per centum per annum, and said bonds o be exempt from all taxes for State, county and municipal purposes, and to e sold for not less than par at such times and places, and in such manner, s shall be determined by said legislative authority; the proceeds of said onds, when sold, to be payable immediately upon such terms or conditions s said legislative body may determine, to the treasurer of said Panama- Pacific International Exposition Company, upon demands of said treasurer f said exposition company, without the necessity of the approval of such emands by other authority, than said legislative authority of Alameda county, he same to be used and disbursed by said Panama-Pacific International Expo- ition Company for the purposes of such exposition, under the direction and ontrol of said exposition company; and the legislative authority of said county f Alameda is hereby empowered and directed to levy a special tax on all axable property in said county each year after the issue of said bonds to aise an amount to pay the interest on said bonds as the same become due, nd to create a sinking fund to pay the principal thereof when the same shall ecome due.[61]

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[61]Section 18 has been amended four times; the first amendment was proposed by he Legislature of 1891 and ratified on November 8, 1892; the second amendment as proposed by the Legislature of 1899 and was ratified at the election of November 1900; the third amendment was proposed by the Legislature at the extra session 1906 and was ratified at the election of November 6, 1906; the present amendment as proposed by the Legislature of 1913 and ratified at the election of November 3, 914. The text of the amendment adopted in 1892 is as follows; Sec. 18. No ounty, city, town, township, board of education, or school district shall incur any debtedness or liability in any manner, or for any purpose, exceeding in any year e income and revenue provided for it for such year, without the assent of two-thirds the qualified electors thereof, voting at an election to be held for that purpose, or unless, before or at the time of incurring such indebtedness, provision shall made for the collection of an annual tax sufficient to pay the interest on such debtedness as it falls due, and also provision to constitute a sinking fund for the ayment of the principal thereof on or before maturity, which shall not exceed forty ars from the time of contracting the same. Any indebtedness or liability incurred ntrary to this provision shall be void. The section as amended in 1906 is as llows: Sec. 18. No county, city, town, township, board of education, or school stricts, shall incur any indebtedness or liability in any manner or for any purpose ceeding in any year the income and revenue provided for such year, without the sent of two-thirds of the qualified electors thereof, voting at an election to be ld for that purpose, nor unless before or at the time of incurring such indebted- ss provision shall be made for the collection of an annual tax sufficient to pay e interest on such indebtedness as it falls due, and also provision to constitute sinking fund for the payment of the principal thereof on or before maturity, hich shall not exceed forty years from the time of contracting the same; *provided, owever*, that the city and county of San Francisco may at any time pay the unpaid aims with interest thereon at the rate of five per cent. per annum for materials rnished to and work done for said city and county during the forty-first, forty- cond, forty-third, forty-fourth and fiftieth fiscal years, and for unpaid teachers' laries for the fiftieth fiscal year, out of the income and revenue of any succeeding ar or years, the amount to be paid in full of said claims not to exceed in the gregate the sum of five hundred thousand dollars, and that no statute of limita- ns shall apply in any manner to these claims; and *provided, further*, that the y of Vallejo, of Solano county, may pay its existing indebtedness incurred in the nstruction of its water works whenever two-thirds of the electors thereof voting an election held for that purpose shall so decide, and that no statute of limitations all apply in any manner. Any indebtedness or liability incurred contrary to this ovision, with the exceptions hereinbefore recited, shall be void. *The city and unty of San Francisco, the city of San Jose and the town of Santa Clara may ke provision for a sinking fund, to pay the principal of any indebtedness incurred, to be hereafter incurred, by it, to commence at a time after the incurring of such debtedness, of not more than a period of one-fourth of the time of maturity of such debtedness, which shall not exceed seventy-five years from the time of contracting same. Any indebtedness incurred contrary to any provision of this section shall void.* The part enclosed between the asterisks (* *) was added by the amend- nt of 1906 and the first part of the section is the amendment of 1900.

SEC. 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries: *provided*, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance.[62]

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in the State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of California, and the liability of stockholders in any such exposition company shall be and the same is hereby limited to an amount not exceeding the par value of the stock of said corporation subscribed for by such stockholders.[63]

SEC. 4. The term "corporations," as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals, partnerships, and all

[62]Section 19 has been amended twice; the first amendment was proposed by the Legislature of 1883 and ratified at the election of November 4, 1884; the present amendment was proposed by the Legislature of 1911 and ratified at the election of October 10, 1911. The text of the original section is as follows: "SEC. 19. No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment, in proportion to benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the superintendent of streets or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof."

[63]Amendment proposed by the Legislature of 1907 and ratified at the election of November 3, 1908.

corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons.

SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the Legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States.[64]

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State, may be extended at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two-thirds of its capital stock or of two-thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations.[65]

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate except such as may be necessary for carrying on its business.

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate

[64] Amendment proposed by the Legislature of 1909 and ratified at the election of November 8, 1910.

[65] Amendment proposed by the Legislature of 1907 and ratified at the election of November 3, 1908.

as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

SEC. 13. The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation.

SEC. 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

SEC. 17. All railroad, canal and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

SEC. 18. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket by a member of the Legislature, or any public officer, other than Railroad Commissioner shall work a forfeiture of his office.

SEC. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the Railroad Commission provided for in this Constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property.[66]

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation

[66] Amendment proposed by the Legislature of 1911 and ratified at the election of October 10, 1911.

n the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in he same direction, the shorter being included within the longer distance, or o charge any greater compensation as a through rate than the aggregate of he intermediate rates; *provided, however*, that upon application to the Raiload Commission provided for in this Constitution such company may, in speial cases, after investigation, be authorized by such commission to charge less or longer than for shorter distances for the transportation of persons or property and the Railroad Commission may from time to time prescribe the extent o which such company may be relieved from the prohibition to charge less or the longer than for the shorter haul. The Railroad Commission shall have ower to authorize the issuance of excursion and commutation tickets at speial rates. Nothing herein contained shall be construed to prevent the Railroad ommission from ordering and compelling any railroad or other transportation ompany to make reparation to any shipper on account of the rates charged o said shipper being excessive or discriminatory, provided no discrimination rill result from such reparation.[67]

SEC. 22. There is hereby created a railroad commission which shall conist of five members and which shall be known as the Railroad Commission of he State of California. The commission shall be appointed by the Governor from he State at large; *provided*, that the Legislature, in its discretion, may divide he State into districts for the purpose of such appointments, said districts to e as nearly equal in population as practicable; *and provided further*, that the hree commissioners in office at the time this section takes effect shall serve ut the term for which they were elected, and that two additional commisioners shall be appointed by the Governor immediately after the adoption of his section, to hold office during the same term. Upon the expiration of said erm, the term of office of each commissioner thereafter shall be six years, xcept the commissioners first appointed hereunder after such expiration, one f whom shall be appointed to hold office until January 1, 1917, two until anuary 1, 1919, and two until January 1, 1921. Whenever a vacancy in ne office of commissioner shall occur, the Governor shall forthwith appoint qualified person to fill the same for the unexpired term. Commissioners apointed for regular terms shall at the beginning of the term for which they re appointed, and those appointed to fill vacancies, shall, immediately upon eir appointment, enter upon the duties of their offices. The Legislature shall x the salaries of the commissioners, but pending such action the salaries of ne commissioners, their officers and employees shall remain as now fixed by law. he Legislature shall have the power, by a two-thirds vote of all members ected to each house, to remove any one or more of said commissioners from ffice for dereliction of duty or corruption or incompetency. All of said comissioners shall be qualified electors of this State, and no person in the emoy of or holding any official relation to any person, firm or corporation, which id person, firm or corporation is subject to regulation by said Railroad Comission and no person owning stock or bonds of any such corporation or who in any manner pecuniarily interested therein, shall be appointed to or hold e office of Railroad Commissioner. No vacancy in the commission shall imir the right of the remaining commissioners to exercise all the powers of e commission. The act of a majority of the commissioners when in session a board shall be deemed to be the act of the commission; but any investigaon, inquiry or hearing which the commission has power to undertake or to old may be undertaken or held by or before any commissioner designated for e purpose by the commission, and every order made by a commissioner so esignated, pursuant to such inquiry, investigation or hearing, when approved confirmed by the commission ordered filed in its office, shall be deemed to be e order of the commission.

Said commission shall have the power to establish rates of charges for e transportation of passengers and freight by railroads and other transporta-

[67]Amendment proposed by the Legislature of 1911 and ratified at the election of tober 10, 1911.

tion companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpœnas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Commission in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein.[68]

SEC. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution. From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad

[68] Amendment proposed by the Legislature of 1911 and ratified at the election of October 10, 1911.

Commission: *provided, however*, that this section shall not affect such powers of control over public utilities, as relate to the making and enforcement of local, police, sanitary, and other regulations, other than the fixing of rates, vested in any city and county or incorporated city or town as, at an election to be held pursuant to law, a majority of the qualified electors of such city and county, or incorporated city or town, voting thereon, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; *and provided, further*, that where any such city and county, or incorporated city or town, shall have elected to continue any of its powers to make and enforce such local, police, sanitary and other regulations, other than the fixing of rates, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the Railroad Commission in the manner prescribed by the Legislature; *and provided, further*, that this section shall not affect the right of any city and county or incorporated city or town, to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law. Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.[69]

SEC. 23*a*. The Railroad Commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the Legislature to fix the just compensation to be paid for the taking of any property of a public utility

[69]Section 23 has been amended twice; the first amendment was proposed by the Legislature of 1911 and ratified at the election of October 10, 1911; the present amendment was proposed by the Legislature of 1913 and ratified at the election of November 3, 1914. The text of the amendment of 1911 was as follows: "Sec. 23. Every private corporation and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant, or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation or transmission, delivery or furnishing of heat, light, water, or power, or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution.

From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; *provided, however*, that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the Legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; and *provided, further*, that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature; or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.

in eminent domain proceedings by the State or any county, city and county, incorporated city or town, or municipal water district, and the right of the Legislature to confer such powers upon the railroad Commission is hereby declared to be plenary and to be unlimited by any provision of this Constitution. All acts of the Legislature heretofore adopted, which are in accordance herewith, are hereby confirmed and declared valid.[70]

SEC. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; *provided*, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the State Board of Equalization. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.[71]

SEC. 14. The property to the amount of one thousand dollars of every resident in this State who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his

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[70]Section 23a is a new section; it was proposed by the Legislature of 1913 and ratified at the election of November 3, 1914.

[71]Section 1 has been amended three times; the first amendment was proposed by the Legislature of 1893 and ratified at the election of November 6, 1894; the second amendment was proposed by the Legislature of 1909 and ratified at the election of November 8, 1910; the present amendment was proposed by the Legislature of 1913 and ratified at the election of November 3, 1914. The text of the section as amended in 1910 is as follows: Section 1. All property in the State except as otherwise in this Constitution provided not exempt under the laws of the United States, shall be taxed in proportion to its value to be ascertained as provided by law or as hereinafter provided. The word "property" as used in this article and section is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt shall not be considered property subject to taxation; and *further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation: *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of this State.[72]

SEC. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.[73]

SEC. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation.[74]

SEC. 1*a*. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding one hundred acres in area, its securities and income used exclusively for the purposes of education.[75]

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States government.

SEC. 4. All vessels of more than fifty tons burden registered at any port in this State and engaged in the transportation of freight or passengers, shall be exempt from taxation except for State purposes, until and including the first day of January, nineteen hundred thirty-five.[76]

SEC. 5. [Repealed November 6, 1906][77]

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the county assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such

[72]Section 1½ is a new section; it was proposed by the Legislature of 1911 and ratified at the election of October 10, 1911.

[73]Section 1½ is a new section; it was proposed by the Legislature of 1899 and ratified at the election of November 6, 1900.

[74]Section 1¾ is a new section; it was proposed by the Legislature of 1901 and ratified at the election of November 4, 1902.

[75]Section 1*a* is a new section; it was proposed by the Legislature of 1913 and ratified at the election of November 3, 1914.

[76]Original section 4 was repealed by an act proposed by the Legislature of 1909 and ratified on November 8, 1910; the present section 4 is a new section; it was proposed by the Legislature of 1913 and was ratified at the election of November 3, 1914.

[77]Section 5 was repealed by an act proposed by the extra session of the Legislature of 1906 and ratified at the election of November 6, 1906.

taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to county assessments, and under such rules of notice as the State board may prescribe as to the action of the State board to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said Board of Equalization.[78]

SEC. 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law.[79]

SEC. 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation.[80]

SEC. 11. Income taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

SEC. 12. No poll tax or head tax for any purpose whatsoever shall be levied or collected in the State of California.[81]

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[78]Amendment proposed by the Legislature at the extra session of 1884-85 and ratified at the election of November 4, 1884. The text of the original section is as follows: Sec. 9. A State board of equalization, consisting of one member from each congressional district in this State, shall be elected by the qualified electors of the respective districts at the general election to be held in the year eighteen hundred and seventy-nine, whose term of office, after those first elected, shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties whose duty it is shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to the county assessments, and under such rules of notice as the State board may prescribe as to the action of the State board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

[79]Amendment proposed by the Legislature of 1909 and ratified at the election of November 8, 1910.

[80]Section 10½ is a new section; it was proposed by the Legislature of 1903 and ratified at the election of November 8, 1904.

[81]Amendment proposed by the initiative and ratified at the election of November 3, 1914.

SEC. 12¾. Fruit and nut bearing trees under the age of four years from the time of planting in orchard form, and grape-vines under the age of three years from the time of planting in vineyard form, shall be exempted from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation.[82]

SEC. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

SEC. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawingroom car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies, and corporations.

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawing room car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies, and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawingroom car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county

[82]Section 12¾ is a new section; it was proposed by the Legislature of 1893 and was ratified at the election of November 6, 1894.

and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(c) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers, mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock

of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking associations, savings and loan societies and trust companies, but shall not include building and loan associations.

(*d*) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(*e*) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State University. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for State purposes, on all the property in the State including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions *a*, *b*, and *d* of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for State purposes.

(*f*) All the provisions of this section shall be self-executing and the Legislature shall pass all laws necessary to carry this section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall effect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The Legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(*g*) No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law.[83]

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a

[83]Section 14 is a new section; it was proposed by the Legislature of 1909 and was ratified on November 8, 1910. The rates fixed in this section were changed by the acts approved February 3, 1913, and January 28, 1915.

public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the board of supervisors, or city and county, or city, or town council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city or town, where the same are collected for the public use.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

ARTICLE XV.

HARBOR FRONTAGE, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

SEC. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

ARTICLE XVI.

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific

object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.[84]

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two-thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution.

SEC. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. At a special election to be provided for by law, the constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California.

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from

[84]Amendment proposed by the Legislature of 1907 and ratified at the election of November 3, 1908.

the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.[85]

SEC. 3. No Chinese shall be employed on any state, county, municipal, or other public work, except in punishment for crime.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons or send or accept a challenge to fight a duel with deadly weapons either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

SEC. 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

[85] The provisions of this section were held to be in conflict with the constitution of the United States and therefore invalid. In re Parrott, 1 Fed. 481.

SEC. 5. The fiscal year shall commence on the first day of July.

SEC. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution; *provided*, that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor; *and provided, also*, that it shall be competent for the Legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor.[86]

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a state board of health.

SEC. 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee, shall control; *and provided further*, that the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section.[87]

SEC. 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in

[86]Amendment proposed by the Legislature of 1911 and ratified at the election of October 10, 1911.

[87]Section 16 has been amended twice; the first amendment was proposed by the Legislature of 1905 and was ratified at the election of November 6, 1906; the present amendment was proposed by the Legislature of 1911 and was ratified at the election of October 10, 1911.

time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work, and prescribe proper penalties for the speedy and efficient enforcement of said law.[88]

SEC. 17½. The Legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the Legislature to confer upon any commission now or hereafter created, such power and authority as the Legislature may deem requisite to carry out the provisions of this section.[89]

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

SEC. 20. Elections of the officers provided by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election.

SEC. 21. The Legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment, irrespective of the fault of either party. The Legislature may provide for the settlement of any disputes arising under the legislation contemplated by this section, by arbitration, or by an industrial accident board, by the courts, or by either, any or all of these agencies, anything in this Constitution to the contrary notwithstanding.[90]

ARTICLE XXI.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast.

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution not inconsistent therewith, shall remain in full force and effect until alter-

[88]Amendment proposed by the Legislature of 1901 and ratified at the election of November 4, 1902.

[89]Section 17½ is a new section; it was proposed by the Legislature of 1913 and was ratified at the election of November 3, 1914.

[90]Section 21 is a new section; it was proposed by the Legislature of 1911 and was ratified at the election of October 10, 1911.

or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All courts now existing, save justices' and police courts, are hereby abolished, and all records, books, papers, and proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State printing office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the boards of supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section.

SEC. 6. The clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the inspectors of elections, at each election precinct or polling place, in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the clerks of the respective counties shall, in the city and county

of San Francisco, be performed by the registrar of voters for said city and county.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution.

SEC. 8. The officers of the several counties of this State, whose duty it is under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the city and county of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said boards shall immediately certify the same, in the usual form, to the Governor of the State of California.

SEC. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified.

SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that state officers are elected.

SEC. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

ARTICLE XXIII.

RECALL OF PUBLIC OFFICIALS.

SECTION 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office, which the incumbent sought to be removed occu

es (provided that if the officer sought to be removed is a state officer who elected in any political subdivision of the State, said petition shall be signed electors entitled to vote for a successor to the incumbent sought to be moved, equal in number to at least twenty per cent of the entire vote cast the last preceding election for all candidates for the office which the incumnt sought to be removed occupies) demanding an election of a successor to e officer named in said petition, shall be addressed to the Secretary of State d filed with the clerk, or registrar of voters, of the county or city and county which the petition was circulated; *provided*, that if the officer sought to be moved was elected in the State at large such petition shall be circulated in t less than five counties of the State, and shall be signed in each of such unties by electors equal in number to not less than one per cent of the entire te cast, in each of said counties, at said election, as above estimated. Such tition shall contain a general statement of the grounds on which the removal sought, which statement is intended solely for the information of the electors, d the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the Secretary of ate, he shall forthwith submit the said petition, together with a certificate its sufficiency, to the Governor, who shall thereupon order and fix a date r holding the election, not less than sixty days nor more than eighty days om the date of such certificate of the Secretary of State.

The Governor shall make or cause to be made publication of notice for e holding of such election, and officers charged by law with duties concerning ections shall make all arrangements for such election and the same shall be nducted, returned, and the result thereof declared, in all respects as are other ate elections. On the official ballot at such election shall be printed, in not ore than two hundred words, the reasons set forth in the petition for deanding his recall. And in not more than three hundred words there shall so be printed, if desired by him, the officer's justification of his course in fice. Proceedings for the recall of any officer shall be deemed to be pending om the date of the filing with any county, or city and county clerk, or regisar of voters, of any recall petition against such officer; and if such officer all resign at any time subsequent to the filing thereof, the recall election shall held notwithstanding such resignation, and the vacancy caused by such resigation, or from any other cause, shall be filled as provided by law, but the erson appointed to fill such vacancy shall hold his office only until the person ected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any call election by a petition signed by electors, qualified to vote at such recall ection, equal in number to at least one per cent of the total number of votes st at the last preceding election for all candidates for the office which the cumbent sought to be removed occupies. Each such nominating petition shall filed with the Secretary of State not less than twenty-five days before such call election.

There shall be printed on the recall ballot, as to every officer whose recall to be voted on thereat, the following question: "Shall (name of person gainst whom the recall petition is filed) be recalled from the office of (title office)?", following which question shall be the words "Yes" and "No" on parate lines, with a blank space at the right of each, in which the voter shall dicate, by stamping a cross (×), his vote for or against such recall. On ch ballots, under each such question, there shall also be printed the names those persons who have been nominated as candidates to succeed the person called, in case he shall be removed from office by said recall election; but no te cast shall be counted for any candidate for said office unless the voter so voted on said question of the recall of the person sought to be recalled om said office. The name of the person against whom the petition is filed all not appear on the ballot as a candidate for the office. If a majority of ose voting on said question of the recall of any incumbent from office shall te "No," said incumbent shall continue in said office. If a majority shall te "Yes," said incumbent shall thereupon be deemed removed from such office

upon the qualification of his successor. The canvassers shall canvass all vo for candidates for said office and declare the result in like manner as in regular election. If the vote at any such recall election shall recall the offic then the candidate who has received the highest number of votes for the off shall be thereby declared elected for the remainder of the term. In case t person who received the highest number of votes shall fail to qualify with ten days after receiving the certificate of election, the office shall be deem vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall c tain a full and accurate copy of the title and text of the petition. Each sign shall add to his signature his place of residence, giving the street and numb if such exist. His election precinct shall also appear on the paper after h name. The number of signatures appended to each section shall be at t pleasure of the person soliciting signatures to the same. Any qualified elec of the State shall be competent to solicit such signatures within the county, city and county, of which he is an elector. Each section of the petition sh bear the name of the county, or city and county in which it is circulated, a only qualified electors of such county or city and county shall be competent sign such section. Each section shall have attached thereto the affidavit of t person soliciting signatures to the same stating his qualifications and that the signatures to the attached section were made in his presence and that the best of his knowledge and belief each signature to the section is the g uine signature of the person whose name it purports to be; and no other a davit thereto shall be required. The affidavit of any person soliciting sign tures hereunder shall be verified free of charge by any officer authorized administer an oath. Such petition so verified shall be prima facie evide that the signatures thereto appended are genuine and that the persons signi the same are qualified electors. Unless and until it is otherwise proven up official investigation, it shall be presumed that the petition presented conta the signatures of the requisite number of electors. Each section of the petit shall be filed with the clerk, or registrar of voters, of the county or city a county in which it was circulated; but all such sections circulated in a county or city and county shall be filed at the same time. Within twenty da after the date of filing such petition, the clerk, or registrar of voters, sh finally determine from the records of registration what number of qualif electors have signed the same; and, if necessary, the board of supervisors sh allow such clerk or registrar additional assistants for the purpose of exa ining such petition and provide for their compensation. The said clerk registrar, upon the completion of such examination, shall forthwith attach such petition his certificate, properly dated, showing the result of such ex ination, and submit said petition, except as to the signatures appended there to the Secretary of State and file a copy of said certificate in his office. Wit forty days from the transmission of the said petition and certificate by clerk or registrar of voters to the Secretary of State, a supplemental petit identical with the original as to the body of the petition but containing sup mental names, may be filed with the clerk or registrar of voters, as aforesa The clerk or registrar of voters shall within ten days after the filing of s supplemental petition make like examination thereof as of the original p tion, and upon the conclusion of such examination shall forthwith attach such petition his certificate, properly dated, showing the result of such ex ination, and shall forthwith transmit such supplemental petition, except as the signatures thereon, together with his said certificate, to the Secretary State.

When the Secretary of State shall have received from one or more cou clerks, or registrars of voters, a petition certified as herein provided to h been signed by the requisite number of qualified electors, he shall forthw transmit to the county clerk or registrar of voters of every county or city county in the State a certificate showing such fact; and such clerk or regist of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon

ate of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the State treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election against said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant-Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved.[91]

J. P. Hoge, President.

Attest: Edwin F. Smith, Secretary.

[91]Article XXIII is a new article; it was proposed by the Legislature of 1911 and was ratified at the election of October 10, 1911.

CONSTITUTION OF COLORADO—1876.*

PREAMBLE.

We, the people of Colorado, with profound reverence for the Supreme Ru
of the Universe, in order to form a more independent and perfect gove
ment, establish justice, insure tranquillity, provide for the common defen
promote the general welfare, and secure the blessings of liberty to ourselv
and our posterity, do ordain and establish this constitution for the State
Colorado.

ARTICLE I.

BOUNDARIES.

The boundaries of the State of Colorado shall be as follows: Comme
ing on the thirty-seventh parallel of north latitude, where the twenty-fifth m
ridian of longitude west from Washington crosses the same; thence north
said meridian to the forty-first parallel of north latitude; thence along said pa
allel west to the thirty-second meridian of longitude west from Washington; th
south on said meridian to the thirty-seventh parallel of north latitude; ther
along said thirty-seventh parallel of north latitude to the place of beginning.

ARTICLE II.

BILL OF RIGHTS.

In order to assert our rights, acknowledge our duties, and proclaim t
principles upon which our government is founded, we declare—

SECTION 1. That all political power is vested in and derived from the p
ple; that all government, of right, originates from the people, is founded u
their will only, and is instituted solely for the good of the whole.

SEC. 2. That the people of this State have the sole and exclusive right
governing themselves, as a free, sovereign, and independent State, and to al
and abolish their constitution and form of government whenever they may de
it necessary to their safety and happiness, provided such change be not repu
nant to the Constitution of the United States.

SEC. 3. That all persons have certain natural, essential, and inaliena
rights, among which may be reckoned the right of enjoying and defend
their lives and liberties; that of acquiring, possessing, and protecting prope
and of seeking and obtaining their safety and happiness.

SEC. 4. That the free exercise and enjoyment of religious profession a
worship, without discrimination, shall forever hereafter be guaranteed; a
no person shall be denied any civil or political right, privilege, or capacity
account of his opinions concerning religion; but the liberty of conscience her
secured shall not be construed to dispense with oaths or affirmations, exc
acts of licentiousness, or justify practices inconsistent with the good or
peace, or safety of the State. No person shall be required to attend or supp
any ministry or place of worship, religious sect or denomination against
consent; nor shall any preference be given by law to any religious denom
tion or mode of worship.

SEC. 5. That all elections shall be free and open; and no power, civi
military, shall at any time interfere to prevent the free exercise of the r
of suffrage.

SEC. 6. That courts of justice shall be open to every person, and a spe

*The act enabling Colorado to form a constitution and state government
approved March 3, 1875. The convention assembled at Denver on December 20, 1
and adjourned on March 14, 1876. The constitution was submitted to the elector
July 1, 1876, and ratified by a vote of 15,443-4,039. The constitution was subm
as a whole and no proposition was submitted separately. By a proclamation of
President, the state was admitted to the Union on August 1, 1876, and by its
provision the constitution became effective on that day.

emedy afforded for every injury to person, property or character; and that ight and justice should be administered without sale, denial, or delay.

Sec. 7. That the people shall be secure in their persons, papers, homes, and ffects from unreasonable searches and seizures; and no warrant to search ny place or seize any person or thing shall issue without describing the lace to be searched, or the person or thing to be seized, as near as may be, or without probable cause, supported by oath or affirmation, reduced to riting.

Sec. 8. That, until otherwise provided by law, no person shall, for a elony, be proceeded against criminally, otherwise than by indictment, except n cases arising in the land or naval forces, or in the militia when in actual ervice in time of war or public danger. In all other cases offenses shall be rosecuted criminally by indictment or information.

Sec. 9. That treason against the State can consist only in levying war gainst it, or in adhering to its enemies, giving them aid and comfort; that no erson can be convicted of treason unless on the testimony of two witnesses to the me overt act, or on his confession in open court; that no person can be ttainted by treason or felony by the general assembly; that no conviction n work corruption of blood or forfeiture of estate; that the estates of such erson as may destroy their own lives shall descend or vest as in cases of atural death.

Sec. 10. That no law shall be passed impairing the freedom of speech; hat every person shall be free to speak, write, or publish whatever he will n any subject, being responsible for all abuse of that liberty; and that in l suits and prosecutions for libel, the truth thereof may be given in evidence, nd the jury, under the direction of the court, shall determine the law and the act.

Sec. 11. That no ex post facto law, nor law impairing the obligation of ontracts, or retrospective in its operation, or making any irrevocable grant f special privileges, franchises, or immunities, shall be passed by the general ssembly.

Sec. 12. That no person shall be imprisoned for debt, unless upon refusal deliver up his estate for the benefit of his creditors, in such manner as all be prescribed by law, or in cases of tort or where there is strong pre- umption of fraud.

Sec. 13. That the right of no person to keep and bear arms in defense his home, person, and property, or in aid of the civil power when thereto gally summoned, shall be called in question; but nothing herein contained hall be construed to justify the practice of carrying concealed weapons.

Sec. 14. That private property shall not be taken for private use unless consent of the owner, except for private ways of necessity, and except r reservoirs, drains, flumes, or ditches on or across the lands of others, for ricultural, mining, milling, domestic, or sanitary purposes.

Sec. 15. That private property shall not be taken or damaged, for public or ivate use, without just compensation. Such compensation shall be ascer- ned by a board of commissioners, of not less than three freeholders, or by jury, when required by the owner of the property, in such manner as may prescribed by law, and until the same shall be paid to the owner, or into rt for the owner, the property shall not be needlessly disturbed, or the pro- ietary rights of the owner therein divested; and whenever an attempt is de to take private property for a use alleged to be public, the question ether the contemplated use be really public shall be a judicial question, l determined as such without regard to any legislative assertion that the is public.

Sec. 16. That in criminal prosecutions the accused shall have the right to ear and defend in person and by counsel; to demand the nature and se of the accusation; to meet the witnesses against him face to face; have process to compel the attendance of witnesses in his behalf, and a edy public trial by an impartial jury of the county or district in which offense is alleged to have been committed.

SEC. 17. That no person shall be imprisoned for the purpose of secur ing his testimony in any case longer than may be necessary in order to tak his deposition. If he can give security he shall be discharged; if he cannc give security, his deposition shall be taken by some judge of the supreme district, or county court, at the earliest time he can attend, at some con venient place by him appointed for that purpose, of which time and plac the accused and the attorney prosecuting for the people shall have reasonabl notice. The accused shall have the right to appear in person and by counse If he have no counsel the judge shall assign him one in that behalf onl On the completion of such examination the witness shall be discharged on h own recognizance, entered in before said judge, but such deposition shall nc be used if, in the opinion of the court, the personal attendance of the witne might be procured by the prosecution, or is procured by the accused. N exception shall be taken to such deposition as to matters of form.

SEC. 18. That no person shall be compelled to testify against himself i a criminal case, nor shall any person be twice put in jeopardy for the sam offense. If the jury disagree, or if the judgment be arrested after verdict, or the judgment be reserved for error in law, the accused shall not be deeme to have been in jeopardy.

SEC. 19. That all persons shall be bailable by sufficient sureties, exce for capital offenses, when the proof is evident or the presumption great.

SEC. 20. That excessive bail shall not be required, nor excessive fines i posed, nor cruel and unusual punishments inflicted.

SEC. 21. That the privilege of the writ of *habeas corpus* shall never suspended, unless when, in case of rebellion or invasion, the public safe may require it.

SEC. 22. That the military shall always be in strict subordination to t civil power; that no soldier shall, in time of peace, be quartered in a house without the consent of the owner, nor in time of war except in t manner prescribed by law.

SEC. 23. The right of trial by jury shall remain inviolate in crimin cases; but a jury in civil cases in all courts, or in criminal cases in cou not of record, may consist of less than twelve men, as may be prescrib by law. Hereafter a grand jury shall consist of twelve men, any nine whom concurring may find an indictment: *Provided*, The general assemb may change, regulate, or abolish the grand-jury system.

SEC. 24. That the people have the right peaceably to assemble for t common good, and to apply to those invested with the powers of governme for redress of grievances, by petition or remonstrance.

SEC. 25. That no person shall be deprived of life, liberty, or property wi out due process of law.

SEC. 26. That there shall never be in this State either slavery or involu tary servitude, except as a punishment for crime, whereof the party sh have been duly convicted.

SEC. 27. Aliens, who are or who may hereafter become *bona-fide* reside of this State, may acquire, inherit, possess, enjoy, and dispose of property, r and personal, as native-born citizens.

SEC. 28. The enumeration in this construction of certain rights shall be construed to deny, impair, or disparage others retained by the people.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three dist departments, the legislative, executive, and judicial, and no person, or collec of persons, charged with the exercise of powers properly belonging to one these departments shall exercise any power properly belonging to either of others, except as in this constitution expressly directed or permitted.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of state, State treasurer, attorney-general, and superintendent of public instruction, each of whom shall hold his office for the term of two years, beginning on the second Tuesday of January next after his election: *Provided*, That the terms of office of those chosen at the first election held under this constitution shall begin on the day appointed for the first meeting of the general assembly. The officers of the executive department, excepting the lieutenant-governor, shall, during their term of offices, reside at the seat of government, where they shall keep the public records, books, and papers. They shall perform such duties as are prescribed by this constitution or by law.

SEC. 2. The supreme executive power of the State shall be vested in the governor, who shall take care that the laws be faithfully executed.

SEC. 3. The officers named in section one of this article shall be chosen on the day of the general election by the qualified electors of the State. The returns of every election for said officers shall be sealed up and transmitted to the secretary of state, directed to the speaker of the house of representatives, who shall immediately, upon the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of the members of both houses of the general assembly, who shall for that purpose assemble in the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected, but if two or more have an equal and the highest number of votes for the same office, one of them shall be chosen thereto by the two houses, on joint ballot. Contested elections for the said offices shall be determined by the two houses, on joint ballot, in such manner as may be prescribed by law.

SEC. 4. No person shall be eligible to the office of governor, lieutenant-governor, or superintendent of public instruction, unless he should have attained the age of thirty years, nor to the office of auditor of state, secretary of state, or State treasurer, unless he shall have attained the age of twenty-five years nor to the office of attorney-general unless he shall have attained the age of twenty-five years, and be a licensed attorney of the supreme court of the State, or of the Territory of Colorado, in good standing. At the first election under this constitution, any person being a qualified elector at the time of the adoption of this constitution, and having the qualifications above herein prescribed for any one of said officers, shall be eligible thereto; but thereafter no person shall be eligible to any one of said offices, unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States, and have resided within the limits of the State two years next preceding his election.

SEC. 5. The governor shall be commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, suppress insurrection, or repel invasion.

SEC. 6. The governor shall nominate, and by and with the consent of the senate appoint, all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for, and may remove any such officer for incompetency, neglect of duty, or malfeasance in office. If during the recess of the senate a vacancy occur in any such office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. If the office of auditor of state, state treasurer, secretary of state, attorney-general, or superintendent of public instruction shall be vacated by death, resignation, or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. The senate in deliberating upon executive nominations may sit with closed doors, but in acting upon nominations they

shall sit with open doors, and the vote shall be taken by ayes and noes, which shall be entered upon the journal.

SEC. 7. The governor shall have power to grant reprieves, commutations and pardons after conviction, for all offenses except treason, and except in case of impeachment, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons, but he shall in every case, where he may exercise this power, send to the general assembly, at its first session thereafter, a transcript of the petition, all proceedings, and the reasons for his action.

SEC. 8. The governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing at any time, under oath from all officers and managers of State institutions upon any subject relating to the condition, management, and expenses of their respective offices and institutions. The governor shall, at the commencement of each session, and from time to time, by message, give to the general assembly information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the general assembly a statement, with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

SEC. 9. The governor may, on extraordinary occasions, convene the general assembly, by proclamation, stating therein the purpose for which it is assembled, but at such special session no business shall be transacted other than that specially named in the proclamation. He may, by proclamation, convene the Senate in extraordinary session for the transaction of executive business.

SEC. 10. The governor, in case of a disagreement between the two houses as to the time of adjournment, may, upon the same being certified to him by the house last moving adjournment, adjourn the general assembly to a day not later than the first day of the next regular session.

SEC. 11. Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider the bill. If the two-thirds of the members elected agree to pass the same, it shall be sent together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by ayes and noes to be entered upon the journal. If any bill shall not be returned by the governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the general assembly shall, by their adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the secretary of state, within thirty days after such adjournment, or else become a law.

SEC. 12. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in manner following: If the general assembly be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over executive veto.

LIEUTENANT-GOVERNOR.

SEC. 13. In case of the death, impeachment, or conviction of felony or infamous misdemeanor, failure to qualify, resignation, absence from the State

or other disability of the governor, the powers, duties, and emoluments of the office, for the residue of the term, or until the disability be removed, shall devolve upon the lieutenant-governor.

SEC. 14. The lieutenant-governor shall be president of the senate, and shall vote only when the senate is equally divided. In case of the absence, impeachment, or disqualification from any cause of the lieutenant-governor, or when he shall hold the office of governor, then the president *pro tempore* of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed.

SEC. 15. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of felony, or infamous misdemeanor, or disqualification from any cause, of both the governor and lieutenant-governor, the duties of the governor shall devolve on the president of the senate *pro tempore*, until such disqualification of either the governor or lieutenant-governor be removed, or the vacancy be filled; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house.

SEC. 16. An account shall be kept by the officers of the executive department and of all public institutions of the State of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the governor, under oath.

SEC. 17. The officers of the executive department, and of all public institutions of the State, shall, at least twenty days preceding each regular session of the general assembly, make full and complete report of their actions to the governor, who shall transmit the same to the general assembly.

SEC. 18. There shall be a seal of the State, which shall be kept by the secretary of state, and shall be called the "Great Seal of the State of Colorado." The seal of the Territory of Colorado, as now used, shall be the seal of the State until otherwise provided by law.

SEC. 19. The officers named in section one of this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms. It shall be the duty of all such officers to collect in advance all fees prescribed by law for services rendered by them severally, and pay the same into the State treasury.

SEC. 20. The superintendent of public instruction shall be *ex officio* State librarian.

SEC. 21. Neither the State treasurer nor State auditor shall be eligible for re-election as his own immediate successor.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the State shall be vested in the general assembly consisting of a senate and house of representatives, both to be elected by the people, but the people reserve to themselves the power to propose laws and amendments to the constitution and to enact or reject the same at the polls independent of the general assembly, and also reserve power at their own option to approve or reject at the polls any act, item, section or part of any act of the general assembly.

The first power hereby reserved by the people is the initiative and at least eight per cent of the legal voters shall be required to propose any measure by petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions for state legislation and amendments to the constitution, shall be addressed to and filed with the secretary of state at least four months before the election at which they are to be voted upon.

The second power hereby reserved is the referendum, and it may be ordered, except as to laws necessary for the immediate preservation of the public peace, health or safety, and appropriations for the support and maintenance of the department of state and state institutions, against any act, section or part of

any act of the general assembly, either by a petition signed by five per cen of the legal voters or by the general assembly. Referendum petitions shall b addressed to and filed with the secretary of state not more than ninety day after the final adjournment of the session of the general assembly that passe the bill on which the referendum is demanded. The filing of a referendum pet tion against any item, section or part of any act, shall not delay the remainde of the act from becoming operative. The veto power of the governor shall no extend to measures initiated by, or referred to the people. All elections o measures referred to the people of the state shall be held at the bienni regular general election, and all such measures shall become the law or part of the constitution when approved by a majority of the votes cast thereo and not otherwise, and shall take effect from and after the date of the offici declaration of the vote thereon by proclamation of the governor, but not lat than thirty days after the vote has been canvassed. This section shall not b construed to deprive the general assembly of the right to enact any measur The whole number of votes cast for secretary of state at the regular gener election last preceding the filing of any petition for the initiative or referendu shall be the basis on which the number of legal voters necessary to sign suc petition shall be counted.

The secretary of state shall submit all measures initiated by or referre to the people for adoption or rejection at the polls, in compliance herewith. Th petition shall consist of sheets having such general form printed or written the top thereof as shall be designated or prescribed by the secretary of stat such petition shall be signed by qualified electors in their own proper perso only, to which shall be attached the residence address of such person and th date of signing the same. To each of such petitions, which may consist of o or more sheets, shall be attached an affidavit of some qualified elector, tha each signature thereon is the signature of the person whose name it purports be, and that to the best of the knowledge and belief of the affiant, each of th persons signing said petition was at the time of signing, a qualified electo Such petition so verified shall be prima facie evidence that the signatures there are genuine and true and that the persons signing the same are qualified electo The text of all measures to be submitted shall be published as constitution amendments are published, and in submitting the same and in all matters pe taining to the form of all petitions the secretary of state and all other office shall be guided by the general laws, and the act submitting this amendmen until legislation shall be especially provided therefor.

The style of all laws adopted by the people through the initiative shall b "Be it Enacted by the People of the State of Colorado."

The initiative and referendum powers reserved to the people by this se tion are hereby further reserved to the legal voters of every city, town a municipality as to all local, special and municipal legislation of every charact in or for their respective municipalities. The manner of exercising said powe shall be prescribed by general laws, except that cities, towns and municipaliti may provide for the manner of exercising the initiative and referendum powe as to their municipal legislation. Not more than ten per cent of the legal vote may be required to order the referendum nor more than fifteen per cent. propose any measure by the initiative in any city, town or municipality.

This section of the constitution shall be in all respects self-executing.[1]

SEC. 2. An election for members of the general assembly shall be held the first Tuesday in October, in the years of our Lord 1876 and 1878, and each alternate year thereafter, on such day, at such places in each county now are, or hereafter may be, provided by law. The first election for memb of the general assembly under the State organization shall be conducted in manner prescribed by the laws of Colorado Territory regulating elections members of the legislative assembly thereof. When vacancies occur in eit house the governor, or person exercising the powers of governor, shall issue w of election to fill such vacancies.

[1]Amendment proposed by the legislature at the extraordinary session of 1910 ratified on November 8, 1910.

SEC. 3. Senators shall be elected for the term of four years, except as hereinafter provided, and representatives for the term of two years.

SEC. 4. No person shall be a representative or senator who shall not have attained the age of twenty-five years, who shall not be a citizen of the United States, who shall not for at least twelve months next preceding his election have resided within the Territory included in the limits of the county or district in which he shall be chosen: *Provided*, That any person who at the time of the adoption of this constitution was a qualified elector under the territorial laws, shall be eligible to the first general assembly.

SEC. 5. The senators, at their first session, shall be divided into two classes. Those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class, except that, senators elected in each of the districts, having more than one senator shall be equally divided between the two classes. The senators of one class shall hold for two years; those of the other class shall hold for four years; to be decided by lot between the two classes, so that one-half of the senators, as near as practicable, may be biennially chosen forever thereafter.

SEC. 6. Each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services the sum of one thousand ($1,000) dollars for each biennial period, payable at the rate of $7.00 per day during both the regular and special sessions, the remainder, if any, payable on the first day of the last month of each biennial period; together with all actual and necessary traveling expenses to be paid after the same have been incurred and audited, and the said members of the general assembly shall receive no other compensation, perquisite or allowance whatever. No general assembly shall fix its own compensation.[2]

SEC. 7. The general assembly shall meet at 12 o'clock, noon, on the first Wednesday in November, A. D. 1876; and at 12 o'clock, noon, on the first Wednesday in January, A. D. 1879, and at 12 o'clock noon on the first Wednesday in January of each alternate year forever thereafter, and at other times when convened by the governor. The term of service of the members thereof shall begin on the first Wednesday of November next after their election, until otherwise provided by law.

SEC. 8. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under this State; and no member of Congress, or other person holding any office (except of attorney at law, notary public, or in the militia) under the United States, or this State, shall be a member of either house during his continuance in office.

SEC. 9. No member of either house shall, during the term for which he may have been elected, receive any increase of salary or mileage, under any law passed during such term.

SEC. 10. The senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members president *pro tempore*. The house of representatives shall elect one of its members as speaker. Each house shall choose its other officers, and shall judge of the election and qualification of its members.

SEC. 11. A majority of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members.

SEC. 12. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence; to enforce obedience to its process; to protect its mem-

[2]Section 6 has been amended twice; the first amendment was proposed by the legislature of 1883 and was ratified on November 4, 1884; the second amendment as proposed by the legislature of 1909 and was ratified on November 8, 1910. The text of the amendment of 1884 is as follows: SEC. 6. Each member of the general assembly, until otherwise provided by law, shall receive as compensation for his services, seven dollars ($7.00) for each day's attendance and fifteen (15) cents for each mile necessarily traveled in going to and returning from the seat of government, and shall receive no other compensation, perquisite, or allowance whatsoever. No session of the general assembly shall exceed ninety days. No general assembly shall fix its own compensation.

bers against violence, or offers of bribes, or private solicitation, and, with th concurrence of two-thirds, to expel a member, but not a second time for the sam cause; and shall have all other powers necessary for the legislature of a fre State. A member, expelled for corruption, shall not thereafter be eligible t either house of the same general assembly, and punishment for contempt o disorderly behavior shall not bar an indictment for the same offense.

SEC. 13. Each house shall keep a journal of its proceedings, and may in it discretion, from time to time, publish the same, except such parts as requir secrecy, and the ayes and noes on any question shall, at the desire of any tw members, be entered on the journal.

SEC. 14. The sessions of each house, and of the committees of the whol shall be open, unless when the business is such as ought to be kept secret.

SEC. 15. Neither house shall, without the consent of the other, adjourn fo more than three days, nor to any other place than that in which the two house shall be sitting.

SEC. 16. The members of the general assembly shall, in all cases excep treason, felony, violation of their oath of office, and breach or surety of th peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same; and for an speech or debate in either house they shall not be questioned in any othe place.

SEC. 17. No law shall be passed except by bill, and no bill shall be s altered or amended on its passage through either house as to change its origina purpose.

SEC. 18. The style of the laws of this State shall be: "*Be it enacted b the general assembly of the State of Colorado.*"

SEC. 19. No act of the general assembly shall take effect until ninety day after its passage (except in case of emergency, which shall be expressed in the act [unless] the general assembly shall, by a vote of two-thirds of all the member elected to each house otherwise direct. No bill, except the general appropri tion bill for the expenses of the government, only [which shall be] introduced i either house of the general assembly after the first thirty days of the sessio shall become a law.[3]

SEC. 20. No bill shall be considered or become a law unless referred t a committee, returned therefrom, and printed for the use of the members.

SEC. 21. No bill, except general appropriation bills, shall be passed co taining more than one subject, which shall be clearly expressed in its title but if any subject shall be embraced in any act which shall not be expresse in the title, such act shall be void only as to so much thereof as shall not b so expressed.

SEC. 22. Every bill shall be read by title when introduced, and at lengt on two different days in each house; all substantial amendments made theret shall be printed for the use of the members before the final vote is taken on th bill, and no bill shall become a law except by a vote of a majority of all th members elected to each house, nor unless on its final passage, the vote b taken by ayes and noes, and the names of those voting be entered on the journal

SEC. 23. No amendment to any bill by one house shall be concurred in b the other, nor shall the report of any committee of conference be adopted either house, except by a vote of a majority of the members elected theret taken by ayes and noes, and the names of those voting recorded upon the journ thereof.

SEC. 24. No law shall be revived, or amended, or the provisions there extended or conferred by reference to its title only, but so much thereof as revived, amended, extended, or conferred shall be re-enacted and published length.

SEC. 25. The general assembly shall not pass local or special laws in a of the following enumerated cases, that is to say: For granting divorces; layi out, opening, altering, or working roads or highways; vacating roads, tow

[3] Amendment proposed by the legislature of 1883 and ratified on November 4, 18
[3] Amendment proposed by the legislature of 1883 and ratified on November 4, 18

plats, streets, alleys, and public grounds; locating or changing county-seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates and constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election, or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; the protection of game or fish; chartering or licensing ferries or toll-bridges; remitting fines, penalties, or forfeitures; creating, increasing, or decreasing fees, percentage or allowances of public officers; changing the law of descent; granting to any corporation, association, or individual the right to lay down railroad-tracks; granting to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise whatever. In all other cases, where a general law can be made applicable, no special law shall be enacted.

SEC. 25a. The general assembly shall provide by law, and shall prescribe suitable penalties for the violation thereof, for a period of employment not to exceed eight (8) hours within any twenty-four (24) hours (except in cases of emergency where life or property is in imminent danger), for persons employed in underground mines or other underground workings, blast furnaces, smelters; and any ore reduction works or other branch of industry or labor that the general assembly may consider injurious or dangerous to health, life or limb.[5]

SEC. 26. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the general assembly, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

SEC. 27. The general assembly shall prescribe by law the number, duties, and compensation of the officers and employés of each house; and no payment shall be made from the State treasury, or be in any way authorized to any person, except to an acting officer or employé elected or appointed in pursuance of law.

SEC. 28. No bill shall be passed giving any extra compensation to any public officer, servant or employé, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the State without previous authority of law.

SEC. 29. All stationery, printing, paper, and fuel used in the legislative and other departments of government, shall be furnished; and the printing and binding and distributing of the laws, journals, department reports, and other printing and binding; and the repairing and furnishing the halls and rooms used for the meeting of the general assembly and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and State treasurer.

SEC. 30. Except as otherwise provided in this constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emolument after his election or appointment; provided, that on and after the first day of March, A.D. 1881, the salaries of the following designated public officers, including those thereof who may then be incumbents of such offices, shall be as herein provided, viz:

The governor shall receive an annual salary of five thousand dollars, and the further sum of fifteen hundred dollars for the payment of a private secretary.

The judges of the supreme courts shall each receive an annual salary of five thousand dollars.

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[5] Section 25a is a new section; it was proposed by the legislature of 1901 and ratified on November 4, 1902.

The judges of the district courts shall each receive an annual salary of four thousand dollars.[6]

SEC. 31. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

SEC. 32. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the State, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 33. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 34. No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of the State, nor to any denominational or sectarian institution or association.

SEC. 35. The general assembly shall not delegate to any special commission, private corporation or association any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes, or to perform any municipal function whatever.

SEC. 36. No act of the general assembly shall authorize the investment of trust-funds by executors, administrators, guardians, or other trustees in the bonds or stock of any private corporation.

SEC. 37. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such a manner as shall be provided by law.

SEC. 38. No obligation or liability of any person, association, or corporation held or owned by the State, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, or postponed, or in any way diminished by the general assembly, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury.

SEC. 39. Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

SEC. 40. If any person elected to either house of the general assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced into the general assembly, in consideration or upon condition that any other person elected to the same general assembly will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition, pending or proposed to be introduced in such general assembly, the person making such offer or promise shall be deemed guilty of solicitation and bribery. If any member of the general assembly shall give his vote or influence for or against any measure or proposition pending in such general assembly, or offer, promise, or assent so to do, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such general assembly or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such general assembly, he shall be deemed guilty of bribery; and any member of the general assembly or person elected thereto, who shall be guilty of either of such offenses shall be expelled, and shall not be thereafter eligible to the same general assembly; and, on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

SEC. 41. Any person who shall, directly or indirectly, offer, give, or prom

[6]Amendment proposed by the legislature of 1881 and ratified on November 7, 188

ise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the general assembly to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery and be punished in such manner as shall be provided by law.

SEC. 42. The offence of corrupt solicitation of members of the general assembly, or of public officers of the State, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 43. A member who has a personal or private interest in any measure or bill proposed or pending before the general assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SEC. 44. One Representative in the Congress of the United States shall be elected from the State at large at the first election under this constitution, and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the general assembly shall divide the State into congressional districts accordingly.

SEC. 45. The general assembly shall provide by law for an enumeration of the inhabitants of the State in the year of our Lord 1885, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives on the basis of such enumeration, according to ratios to be fixed by law.

SEC. 46. The senate shall consist of twenty-six, and the house of representatives of forty-nine members, which number shall not be increased until the year of our Lord one thousand eight hundred and ninety, after which time the general assembly may increase the number of senators and representatives, preserving, as near as may be, the present proportion as to the number in each house: *Provided*, That the aggregate number of senators and representatives shall never exceed one hundred.

SEC. 47. Senatorial and representative districts may be altered from time to time, as public convenience may require. When a senatorial or representative district shall be composed of two or more counties, they shall be contiguous, and the district as compact as may be. No county shall be divided in the formation of a senatorial or representative district.

SEC. 48. Until the State shall be divided into senatorial districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The county of Weld shall constitute the first district, and be entitled to one senator.

The county of Larimer shall constitute the second district, and be entitled to one senator.

The county of Boulder shall constitute the third district, and be entitled to two senators.

The county of Gilpin shall constitute the fourth district, and be entitled to one senator.

The counties of Gilpin, Summit, and Grand shall constitute the fifth district, and be entitled to one senator.

The county of Clear Creek shall constitute the sixth district, and be entitled to two senators.

The county of Jefferson shall constitute the seventh district, and be entitled to one senator.

The county of Arapahoe shall constitute the eighth district, and be entitled to four senators.

The counties of Elbert and Bent shall constitute the ninth district, and be entitled to one senator.

The county of El Paso shall constitute the tenth district, and be entitled to one senator.

The county of Douglas shall constitute the eleventh district, and be entitled to one senator.

The county of Park shall constitute the twelfth district, and be entitled to one senator.

The counties of Lake and Saguache shall constitute the thirteenth district and be entitled to one senator.

The county of Fremont shall constitute the fourteenth district, and be entitled to one senator.

The county of Pueblo shall constitute the fifteenth district, and be entitled to one senator.

The county of Huerfano shall constitute the sixteenth district, and be entitled to one senator.

The county of Las Animas shall constitute the seventeenth district, and be entitled to two senators.

The county of Costilla shall constitute the eighteenth district, and be entitled to one senator.

The county of Conejos shall constitute the nineteenth district, and be entitled to one senator.

The counties of Rio Grande, Hinsdale, La Plata, and San Juan shall constitute the twentieth district, and be entitled to one senator.

SEC. 49. Until an apportionment of representatives be made, in accordance with the provisions of this article, they shall be divided among the several Counties of the State in the following manner: The county of Arapahoe shall have seven; the counties of Boulder and Clear Creek, each, four; the counties of Gilpin and Las Animas, each, three; the counties of El Paso, Fremont, Tuerfano, Jefferson, Pueblo, and Weld, each, two; the counties of Bent, Costilla, Conejos, Douglas, Elbert, Grand, Hinsdale, Larimer, La Plata, Lake, Park, Rio Grande, Summit, Saguache, and San Juan, each, one, and the counties of Costilla and Conejos, jointly, one.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the state as to all matters of law and equity except as in the constitution otherwise provided, shall be vested in a Supreme Court, District Courts, County Courts, and such other courts as may be provided by law. In counties and cities and counties, having a population exceeding one hundred thousand, exclusive original jurisdiction in cases involving minors and persons whose offenses concern minors may be vested in a separate court now or hereafter established by law. None of said courts except the Supreme Court shall have any power to declare or adjudicate any law of this state or any city charter or amendment thereto adopted by the people in cities acting under Article XX hereof as in violation of the Constitution of this State or of the United States; provided that before such decision shall be binding it shall be subject to approval or disapproval by the people, as follows: Such decision shall be filed in the office of the Clerk of the Supreme Court within ten days after it is finally made. If it concerns a state law it shall not be binding until sixty days after such date. Within said sixty days a referendum petition, signed by not less than five per cent. of the qualified electors, addressed to and filed with the Secretary of State, may request that such law be submitted to the people of this state for adoption or rejection at an election to be held in compliance herewith. The Secretary of State shall cause to be published the text of such law or part thereof, as constitutional amendments are published, as near as may be, and he shall submit the same to the people at the first general election held not less than ninety days after such petition shall have been filed; provided that provision may be made by law for also submitting such laws or parts thereof at a special election. All such laws or parts thereof submitted as herein provided when approved by a majority of the votes cast thereon at such election shall be and become the

law of this state notwithstanding the decision of the Supreme Court, to take effect from and after the date of the declaration of the vote thereon by proclamation of the Governor, not less than thirty days after the vote has been canvassed.

If such decision concerns a charter or an amendment thereto of a city or city and county acting under Article XX of this Constitution, it shall not be binding until sixty days after it has been filed in the office of the clerk of said court. Within said sixty days a referendum petition, signed by not less than five per cent of the qualified electors of such city or city and county, addressed to and filed with the legislative body of said city or city and county, may request that such charter or amendment thereto be submitted to the people of such city or city and county for their adoption or rejection. It shall be the duty of said legislative body to publish the text of such charter or amendment thereto as initiative ordinances are published as near as may be and submit such charter or amendment thereto to the people of such city or city and county, at an election to be called by said legislative body not less than sixty days after the filing of said petition, unless there should be under the charter of said city or city and county a regular election to be held for the election of officers of said city or city and county within said sixty days, in which event such charter or amendment thereto may be submitted to the vote of the people at such regular election. All such charters, or amendments thereto, so submitted as herein provided, when approved by a majority of the votes cast thereon in said city or city and county, shall be and become the law of this state and of said city or city and county notwithstanding the decision of the Supreme Court, to take effect from and after the date of the declaration of the vote thereon by proclamation of said legislative body not less than thirty days after the vote has been canvassed. The whole number of votes cast for Governor at the regular general election last preceding the filing of any petition to submit a state law under the provisions hereof, and, if a charter or amendment thereto, the whole number of votes cast for that officer receiving the highest vote cast at the last preceding general election for officers of such city or city and county requesting such submission shall be the basis on which the number of qualified electors necessary to sign such petition shall be counted.

Any petition herein provided for may be circulated and signed in sections, provided each section shall contain a full and accurate copy of the title and text of the law, or charter, or amendment thereto, which it is proposed to submit. The signatures to such petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street number, if any, should he reside in a town or city. The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, wilfully so made and subscribed by such person, shall be perjury and be punished as such. All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signers shall be deemed and held to be qualified electors unless a protest in writing, under oath, shall be filed in the office in which such petition has been filed, by some qualified elector, within fifteen days after such petition is filed, setting forth specifically the ground of such protest, whereupon the officer with whom such petition is filed shall forthwith forward a copy of such protest to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five nor more than ten days after such notice is made. All hearings shall be before the officer with whom such protest is filed, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty days after such petition is filed, and the result thereof shall be forthwith certified to the person or persons representing the signers of such petition. In case the petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and may, within fifteen days thereafter, be amended and refiled as an original petition. The findings as to the sufficiency of any petition may be

reviewed by any state court of general jurisdiction in the county in which such petition is filed, upon application of the person, or a majority of the persons, representing the signers of each petition, but such review shall be had and determined forthwith.

When any petition contains a form of submission of a law, charter, or amendment thereto, petitioned to be referred, when such form is a reasonably fair description thereof, the same shall be placed on the ballot, and no petition filed subsequent thereto shall be permitted to use any form of submission that is so similar to the one previously filed as to tend to confuse the voter, and in case of conflict the person or a majority of persons representing the subsequent petition may file a form of submission, provided the same shall be fairly descriptive of the law, city charter, or amendment thereto, petitioned to be submitted and not in conflict with any prior forms of submission nor tend to confuse the voter. Legislation may be enacted to facilitate the operation of this article, but in no way limiting or restricting the provisions hereof or the powers herein reserved.

In submitting such laws the Secretary of State and all other officers shall be guided by the general laws so far as applicable, and the vote thereon as to state laws shall be canvassed and the result determined in the manner prescribed by law for the canvass of votes for representatives in Congress. In submitting a city charter, or amendment thereto, the vote thereon shall be canvassed and the result determined in the manner prescribed by the charter or law governing any such city or city and county for the canvass of votes for officers elected in such city or city and county.[7]

SUPREME COURT.

SEC. 2. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, and shall have a general superintending control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC. 3. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction, and other original and remedial writs, with authority to hear and determine the same; and each judge of the supreme court shall have like power and authority as to writs of habeas corpus. The supreme court shall give its opinion upon important questions upon solemn occasions when required by the governor, the senate, or the house of representatives; and all such opinions shall be published in connection with the reported decisions of said court.[8]

SEC. 4. At least two terms of the supreme court shall be held each year at the seat of government.

SEC. 5. The supreme court shall consist of seven judges, who may sit en banc or in two or more departments as the court may, from time to time, determine. In case said court shall sit in departments each of said departments shall have the full power and authority of said court in the determination of causes, the issuing of writs and the exercise of all powers authorized by this constitution, or provided by law, subject to the general control of the court sitting en banc, and such rules and regulations as the court may make; but no decision of any department shall become the judgment of the court unless concurred in by at least three judges, and no case involving a construction of the constitution of this state or of the United States, shall be decided except by the court en banc.[9]

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[7]Section 1 has been amended twice; the first amendment was proposed by the legislature of 1885 and ratified on November 2, 1886; the second amendment was proposed by the initiative and was ratified on November 5, 1912, and became effective on January 22, 1913. The text of the section as amended in 1886 is as follows: SEC. 1. The judicial power of the state as to matters of law and equity, except as in the constitution otherwise provided, shall be vested in a supreme court, district courts, county courts, justices of the peace, and such other courts as may be provided by law.

[8]Amendment proposed by the legislature of 1885 and ratified on November 2, 1886.

[9]Amendment proposed by the legislature of 1903 and ratified on November 8, 1904.

SEC. 6. The judges of the supreme court, except as herein provided, shall be elected by the electors of the state at large.[10]

SEC. 7. The term of office of the judges of the supreme court, hereafter elected, except as in this article otherwise provided, shall be ten years.[11]

SEC. 8. No successor of the judge of the Court of Appeals whose term expires in April, 1905, shall be appointed.

On the first Wednesday of April, 1905, the Court of Appeals shall cease to exist, and the judges of said court whose regular terms shall not then have expired shall become judges of the Supreme Court. All causes pending before the Court of Appeals shall then stand transferred to and be pending in, the Supreme Court, and no bond or obligation given in any of said causes shall be affected by said transfer.

The term of office of that judge of the Supreme Court whose term expires on the second Tuesday in January, 1907, shall so expire; the term of office of that judge transferred from the Court of Appeals whose term shall expire in April, 1907, shall expire on the second Tuesday in January, 1907; and the term of office of that judge of the Supreme Court whose term expires in January, 1910, is hereby extended to the second Tuesday in January, 1911; and the term of office of the judge or judges transferred from the Court of Appeals whose term would expire in April, 1909, shall expire on the second Tuesday in January, 1909; and the term of office of the judge of the Supreme Court whose term expires on the second Tuesday in January, 1913, shall so expire.

At the general election in the year 1906 and every tenth year thereafter, there shall be elected two judges of the Supreme Court.

At the general election in the year 1908, there shall be elected three judges of the Supreme Court, one for the term of six years, and two for the term of ten years.

At the general election in the year 1910 and every tenth year thereafter, there shall be elected one judge of the Supreme Court.

At the general election in the year 1912 and every tenth year thereafter, there shall be elected one judge of the Supreme Court.

At the general election in the year 1914 and every tenth year thereafter, there shall be elected one judge of the Supreme Court.

At the general election in the year 1918 and every tenth year thereafter, there shall be elected two judges of the Supreme Court.

Provided, that if said Court of Appeals shall at the time of the going into effect of this amendment, by law consist of only three judges, the Governor shall nominate and by and with the advice and consent of the Senate appoint two judges of the Supreme Court whose term of office shall begin on the first Wednesday of April, 1905, and expire on the second Tuesday of January, 1909.

Provided also, that nothing herein contained shall be construed to prevent the General Assembly from changing the time of electing judges of the Supreme Court and from extending or abridging their terms of office as provided in Art. VI, Section 15, of the Constitution of the state.

The judge having the shortest term to serve, not holding his office by appointment or election to fill vacancy, shall be the chief justice.

Of the two judges whose terms of office expire upon the same day, the younger in years of the two judges shall be the chief justice during the next to the last year of his term of office and the elder of the two judges shall be chief justice during the last year of his term of office.

The chief justice shall preside at all sessions of the court en banc, and, in case of his absence, then the judge present who would next be entitled to become chief justice shall preside.

Until otherwise provided by law, the Supreme Court shall have power to review the judgments and proceedings of inferior courts, in such instances and in such manner as was provided by law previous to the act establishing the Court of Appeals.[12]

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[10] Amendment proposed by the legislature of 1903 and ratified on November 8, 1904.
[11] Amendment proposed by the legislature of 1903 and ratified on November 8, 1904.
[12] Amendment proposed by the legislature of 1903 and ratified on November 8, 1904.

SEC. 9. There shall be a clerk of the supreme court, who shall be appointed by the judges thereof, and shall hold his office during the pleasure of said judges, and whose duties and emoluments shall be as prescribed by law and by the rules of the supreme court.

SEC. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in this State or Territory at least two years next preceding his election.

DISTRICT COURTS.

SEC. 11. The district courts shall have original jurisdiction of all causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law. They shall have original jurisdiction to determine all controversies upon relation of any person on behalf of the people concerning the rights, duties, and liabilities of railroad, telegraph, or toll-road companies or corporations.

SEC. 12. The state shall be divided into judicial districts, in each of which there shall be elected by the electors thereof, one or more judges of the district court therein, as may be provided by law, whose terms of office shall be six years; the judges of the district courts may hold courts for each other, and shall do so when required by law, and the general assembly may, by law, provide for the selection or election of a suitable person to preside in the trial of causes in special cases.[13]

SEC. 13. Until otherwise provided by law, said districts shall be four in number, and constituted as follows, viz.:

First district.—The counties of Boulder, Jefferson, Gilpin, Clear Creek, Summit, and Grand.

Second district.—The counties of Arapahoe, Douglas, Elbert, Weld, and Larimer.

Third district.—The counties of Park, El Paso, Fremont, Pueblo, Bent, Las Animas, and Huerfano.

Fourth district.—The counties of Costilla, Conejos, Rio Grande, San Juan, La Plata, Hinsdale, Saguache, and Lake.

SEC. 14. The general assembly may (whenever two-thirds of the members of each house shall concur therein) increase or diminish the number of judges for any district, or increase or diminish the number of judicial districts, and the judges thereof. Such districts shall be formed of compact territory, and bounded by county lines; but such increase, diminution or change in the boundaries of a district shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.[14]

SEC. 15. The judges of the district court first elected shall be chosen at the first general election. The general assembly may provide that after the year 1878 the election of the judges of the supreme, district, and county courts and the district attorneys, or any of them, shall be on a different day from that on which an election is held for any other purpose, and for that purpose may extend or abridge the term of office of any such officers then holding, but not in any case more than six months. Until otherwise provided by law, such officers shall be elected at the time of holding the general elections. The terms of office of all judges of the district court elected in the several districts throughout the State shall expire on the same day; and the terms of office of the district attorneys elected in the several districts throughout the State shall in like manner, expire on the same day.

SEC. 16. No person shall be eligible to the office of district judge unless he be learned in the law, be at least thirty years old, and a citizen of the United States, nor unless he shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall, at the time of his election, be an elector within the judicial district for which he is elected; *Provided*, That at the first election any person of the requisite age and learning, and who is an elector of the Territory of Colorado, under the

[13]Amendment proposed by the legislature of 1885 and ratified on November 2, 1886.
[14]Amendment proposed by the legislature of 1885 and ratified on November 2, 1886.

aws thereof, at the time of the adoption of this constitution, shall be eligible o the office of judge of the district court of the judicial district within which ie is an elector.

SEC. 17. The time of holding courts within the said districts shall be as provided by law; but at least one term of the district court shall be held nnually in each county, except in such counties as may be attached, for judiial purposes, to another county wherein such courts are so held. This shall ot be construed to prevent the holding of special terms, under such regulaions as may be provided by law.

SEC. 18. The judges of the supreme and district courts shall each receive uch salary as may be provided by law; and no such judge shall receive any ther compensation, perquisite, or emolument for or on account of his office, n any form whatever, nor act as attorney or counselor at law.

SEC. 19. There shall be a clerk of the district court in each county wherein term is held, who shall be appointed by the judge of the district, to hold his ffice during the pleasure of the judge. His duties and compensation shall be s provided by law and regulated by the rules of the court.

SEC. 20. Until the general assembly shall provide by law for fixing the erms of the courts aforesaid, the judges of the supreme and district courts, espectively, shall fix the terms thereof.

DISTRICT ATTORNEYS.

SEC. 21. There shall be elected by the qualified electors of each judicial istrict, at the general election in the year nineteen hundred and four, and very four years thereafter, a district attorney for such district, whose term f office shall be four years, and whose duties and salary or compensation, ither from the fees or emoluments of his office or from the general county und, as shall be [as] provided by law.

No person shall be eligible to the office of district attorney who shall not, t the time of his election, be at least twenty-five years of age and possess all he qualifications of judges of the district courts as provided in this article. The term of office of the district attorneys serving in the several districts, at he time of the adoption of this amendment, is hereby extented [extended] o the second Tuesday of January, in the year A. D. 1905.[15]

COUNTY COURTS.

SEC. 22. There shall be elected at the general election in each organized ounty in the year nineteen hundred and four, and every four years thereafter, a county judge, who shall be judge of the county court of said county, hose term of office shall be four years, and who shall be paid such salary r compensation, either from the fees and emoluments of his office or from he general county fund, as shall be provided by law.

The term of office of the county judges serving at the time of the adoption f this amendment is hereby extended to the second Tuesday of January in he year A. D. 1905.[16]

SEC. 23. County courts shall be courts of record, and shall have original urisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians, conservators, and administrators, and settlement of their accounts, and such other civil and criminal jurisdiction as may e conferred by law; *Provided*, Such courts shall not have jurisdiction in any ase where the debt, damage, or claim, or value of property involved, shall xceed two thousand dollars, except in cases relating to the estates of deceased ersons. Appeals may be taken from county to district courts, or to the upreme court, in such cases and in such manner as may be prescribed by law. Writs of error shall lie from the supreme court to every final judgment of he county court. No appeal shall lie to the district court from any judgment iven upon an appeal from a justice of the peace.

[15]Amendment proposed by the legislature of 1901 and ratified on November 4, 1902.
[16]Amendment proposed by the legislature of 1901 and ratified on November 4, 1902.

CRIMINAL COURT.

SEC. 24. The general assembly shall have power to create and establish a criminal court in each county having a population exceeding fifteen thousand, which court may have concurrent jurisdiction with the district courts in all criminal cases not capital, the terms of such courts to be as provided by law.

JUSTICES OF THE PEACE.

SEC. 25. Justices of the peace shall have such jurisdiction as may be conferred by law; but they shall not have jurisdiction of any case wherein the value of the property, or the amount in controversy, exceeds the sum of three hundred dollars, nor where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATES.

SEC. 26. The general assembly shall have power to provide for creating such police magistrates for cities and towns, as may be deemed from time to time necessary or expedient, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively.

MISCELLANEOUS.

SEC. 27. The judges of courts of record, inferior to the supreme court shall, on or before the first day in July in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their knowledge and experience may suggest, and the judges of the supreme court shall, on or before the first day of December of each year, report in writing to the governor, to be by him transmitted to the general assembly, together with his message, such defects and omissions in the constitution and laws as they may find to exist, together with appropriate bills for curing the same.

SEC. 28. All laws relating to courts shall be general and of uniform operation throughout the State; and the organization, jurisdiction, powers, proceedings, and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments, and decrees of such courts severally, shall be uniform.

SEC. 29. All officers provided for in this article, excepting judges of the supreme court, shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies occurring in any of the offices provided for in this article shall be filled by appointment as follows: Of judges of the supreme and district courts, by the governor; of district attorneys, by the judge of the court of the district for which such attorney was elected; and of all other judicial officers, by the board of county commissioners of the county wherein the vacancy occurs. Judges of the supreme, district and county courts appointed under the provisions of this section shall hold office until the next general election and until their successors elected thereat shall be duly qualified.[17]

SEC. 30. All process shall run in the name of "The people of the State of Colorado;" all prosecutions shall be carried on in the name and by the authority of "The people of the State of Colorado," and conclude, "against the peace and dignity of the same."

ARTICLE VII.

SUFFRAGE AND ELECTIONS.

SECTION 1. Every person over the age of twenty-one years, possessing the following qualifications shall be entitled to vote at all elections: He or she shall be a citizen of the United States, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.[18]

SEC. 2. The general assembly shall, at the first session thereof, and may

[17]Amendment proposed by the legislature of 1877 and ratified on November 5, 18[illegible]
[18]Amendment proposed by the legislature of 1901 and ratified on November 4, 19[illegible]

at any subsequent session, enact laws to extend the right of suffrage to women of lawful age, and otherwise qualified according to the provisions of this article. No such enactment shall be of effect until submitted to the vote of the qualified electors at a general election, nor unless the same be approved by a majority of those voting thereon.

SEC. 3. The general assembly may prescribe, by law, an educational qualification for electors, but no such law shall take effect prior to the year of our Lord one thousand eight hundred and ninety, and no qualified elector shall be thereby disqualified.

SEC. 4. For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the State, or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poor-house or other asylum, nor while confined in public prison.

SEC. 5. Voters shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SEC. 6. No person except a qualified elector shall be elected or appointed to any civil or military office in the State.

SEC. 7. The general election shall be held on the first Tuesday of October, in the years of our Lord eighteen hundred and seventy-six, eighteen hundred and seventy-seven, and eighteen hundred and seventy-eight, and annually thereafter on such day as may be prescribed by law.

SEC. 8. All elections by the people shall be by ballot, and in case paper ballots are required to be used, every ballot shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to inquire or disclose how any elector shall have voted. In all cases of contested elections in which paper ballots are required to be used, the ballots cast may be counted and compared with the list of voters, and examined under such safeguards and regulations as may be provided by law. Nothing in this section, however, shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election, provided that secrecy in voting be preserved.

When the governing body of any county, city, city and county or town, including the City and County of Denver, and any city, city and county or town which may be governed by the provisions of special charter shall adopt and purchase a voting machine, or voting machines, such governing body may provide for the payment therefor by the issuance of interest-bearing bonds, certificates of indebtedness, or other obligations, which shall be a charge upon such city, city and county, or town; such bonds, certificates or other obligations may be made payable at such time or times, not exceeding ten years from the date of issue, as may be determined, but shall not be issued or sold at less than par.[19]

SEC. 9. In trials of contested elections, and for offences arising under the election-law, no person shall be permitted to withhold his testimony on the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not be used against him in any judicial proceedings, except for perjury in giving such testimony.

SEC. 10. No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution.

SEC. 11. The general assembly shall pass laws to secure the purity of elections and guard against abuses of the elective franchise.

[19]Amendment proposed by the legislature of 1905 and ratified on November 6, 1906.

SEC. 12. The general assembly shall, by general law, designate the courts and judges by whom the several classes of election contests, not herein provided for, shall be tried, and regulate the manner of trial, and all matters incident thereto; but no such law shall apply to any contest arising out of an election held before its passage.

ARTICLE VIII.

STATE INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the State, in such manner as may be prescribed by law.

SEC. 2. The general assembly shall have no power to change or to locate the seat of government of the State, but shall at its first session subsequent to the year of our Lord one thousand eight hundred and eighty, provide by law for submitting the question of the permanent location of the seat of government to the qualified electors of the State, at the general election then next ensuing, and a majority of all the votes upon said question, cast at said election, shall be necessary to determine the location thereof. Said general assembly shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the State, at the next general election: *Provided*, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Denver.

SEC. 3. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the State voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the general assembly.

SEC. 4. The general assembly shall make no appropriation or expenditures for capitol buildings or grounds until the seat of government shall have been permanently located as herein provided.

SEC. 5. The following educational institutions, to-wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, and the Institute for the Education of Mutes, (which shall hereafter be known as Colorado School for Deaf and Blind) at Colorado Springs, are hereby declared to be institutions of the State of Colorado, and the management thereof subject to the control of the State, under the provisions of the Constitution, and such laws and regulations as the General Assembly may provide, and the location of said institutions, as well as all gifts, grants and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and benefit of the same respectively: *Provided*, This section shall not apply to any institution the property, real or personal, of which is now vested in the trustees, thereof until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said institution by this constitution or by law; and, *Provided further*, That the regents of the University may, when ever in their judgment the needs of the institution demand such action, establish, maintain and conduct all but the first two years of the departments of medicine, dentistry and pharmacy, of the University, at Denver; and, *Provided further*, That nothing in this section shall be construed to prevent State educational institutions from giving temporary lecture courses, commonly called "University extension work," and "Farmers' Institute and Short Courses," in any part of the State, or conducting class excursions for the purpose of investigation and study.[20]

[20]Amendment proposed by the legislature of 1909 and ratified on November 8, 191[illegible]

ARTICLE IX.

EDUCATION.

SECTION 1. The general supervision of the public schools of the State hall be vested in a board of education, whose powers and duties shall be prescribed by law; the superintendent of public instruction, the secretary f state, and attorney-general shall constitute the board, of which the superntendent of public instruction shall be president.

SEC. 2. The general assembly shall, as soon as practicable, provide for he establishment and maintenance of a thorough and uniform system of free ublic schools throughout the State wherein all residents of the State between he ages of six and twenty-one years may be educated gratuitously. One or ore public schools shall be maintained in each school-district within the State t least three months in each year; any school-district failing to have such chool shall not be entitled to receive any portion of the school-fund for that ear.

SEC. 3. The public-school fund of the State shall forever remain inviolate nd intact; the interest thereon only shall be expended in the maintenance f the schools of the State, and shall be distributed among the several counties nd school-districts of the State in such manner as may be prescribed by law. o part of this fund, principal or interest, shall ever be transferred to any ther fund, or used or appropriated except as herein provided. The State reasurer shall be the custodian of this fund, and the same shall be securely nd profitably invested as may be by law directed. The State shall supply ll losses thereof that may in any manner occur.

SEC. 4. Each county treasurer shall collect all school-funds belonging o his county, and the several school-districts therein, and disburse the same o the proper districts upon warrants drawn by the county superintendent, or y the proper district authorities as may be provided by law.

SEC. 5. The public-school fund of the State shall consist of the proceeds f such lands as have heretofore been, or may hereafter be, granted to the tate by the General Government for educational purposes; all estates that ay escheat to the State; also all other grants, gifts, or devises that may be ade to this State for educational purposes.

SEC. 6. There shall be a county superintendent of schools in each county hose term of office shall be two years, and whose duties, qualifications, and ompensation shall be prescribed by law. He shall be *ex officio* commissioner f lands within his county, and shall discharge the duties of said office under e direction of the State board of land commissioners, as directed by law.

SEC. 7. Neither the general assembly, nor any county, city, town, town ip, school-district, or other public corporation shall ever make any appro riation, or pay from any public fund or moneys whatever, anything in aid f any church or sectarian society, or for any sectarian purpose, or to help pport or sustain any school, academy, seminary, college, university, or other erary or scientific institution controlled by any church or sectarian denomnation whatsoever; nor shall any grant or donation of land, money, or other ersonal property ever be made by the State, or any such public corporation, any church or for any sectarian purpose.

SEC. 8. No religious test or qualification shall ever be required of any erson as a condition of admission into any public educational institution of e State, either as teacher or student, and no teacher or student of any such stitution shall ever be required to attend or participate in any religious ervice whatever. No sectarian tenets or doctrines shall ever be taught in e public schools, nor shall any distinction or classification of pupils be made account of race or color.

SEC. 9. The State board of land commissioners shall be composed of three 3) persons to be appointed by the Governor, with the consent of the Senate, ho shall have the direction, control and disposition of the public lands of e State under such regulations as are and may be prescribed by law, one which persons shall at the time of his appointment be designated as presint of the board and whose office shall expire on the second Tuesday of

January, 1917, one of which persons shall at the time of his appointment be designated as register of the board and whose term of office shall expire on the second Tuesday of January, 1915, and the third member of said board shall at the time of his appointment be designated as the engineer of the board and shall always be professionally a civil engineer, who, for at least five (5) years, has been actively engaged in the practice of his profession and whose term of office shall expire on the second Tuesday of January 1913; and the successor and successors of the first members of the board shall each be appointed for the terms of six (6) years.

On the adoption of this amendment by the electors of this State, it shall not go into full force and effect until the second Tuesday of January, 1911.

The members of the board shall each receive a salary of three thousand dollars ($3,000) per annum until otherwise provided by law; but the salary of each member of this board is to be paid out of the income of the said State board of land commissioners.[21]

SEC. 10. It shall be the duty of the State board of land commissioners to provide for the location, protection, sale, or other disposition of all the lands heretofore, or which may hereafter be, granted to the State by the General Government, under such regulations as may be prescribed by law and in such manner as will secure the maximum possible amount therefor. No law shall ever be passed by the general assembly granting any privilege to persons who may have settled upon any such public lands subsequent to the survey thereof by the General Government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished directly or indirectly. The general assembly shall, at the earliest practicable period, provide by law that the several grants of land made by Congress to the State shall be judiciously located and carefully preserved and held in trust subject to disposal for the use and benefit of the respective objects for which said grants of land were made, and the general assembly shall provide for the sale of said lands from time to time, and for the faithful application of the proceeds thereof in accordance with the terms of said grants.

SEC. 11. The general assembly may require, by law, that every child of sufficient mental and physical ability shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

SEC. 12. There shall be elected by the qualified electors of the State, at the first general election under this constitution, six regents of the university who shall, immediately after their election, be so classified, by lot, that two shall hold their office for the term of two years, two for four years, and two for six years; and every two years after the first election there shall be elected two regents of the university, whose term of office shall be six years. The regents thus elected, and their successors, shall constitute a body-corporate, to be known by the name and style of "The Regents of the University of Colorado."

SEC. 13. The regents of the university shall, at their first meeting, or as soon thereafter as practicable, elect a president of the university, who shall hold his office until removed by the board of regents for cause; he shall be *ex officio* a member of the board, with the privilege of speaking, but not voting, except in cases of a tie; he shall preside at the meetings of the board and be the principal executive officer of the university, and a member of the faculty thereof.

SEC. 14. The board of regents shall have the general supervision of the university, and the exclusive control and direction of all the funds of, and appropriations to, the university.

SEC. 15. The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors, to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

[21] Amendment proposed by the legislature of 1909 and ratified on November 8, 191

SEC. 16. Neither the general assembly nor the State board of education shall have power to prescribe text-books to be used in the public schools.

ARTICLE X.

REVENUE.

SECTION 1. The fiscal year shall commence on the first day of October in each year, unless otherwise provided by law.

SEC. 2. The general assembly shall provide by law for an annual tax sufficient, with other resources, to defray the estimated expenses of the State government for each fiscal year.

SEC. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; *Provided*, That the personal property of every person being the head of a family to the value of $200 shall be exempt from taxation. Ditches, canals and flumes owned and used by individuals or corporations, for irrigating land owned by such individual or corporations, or the individuals [individual] members thereof, shall not be separately taxed so long as they shall be owned and used] exclusively for such purposes.[22]

SEC. 4. The property, real and personal, of the State, counties, cities, towns, and other municipal corporations, and public libraries, shall be exempt from taxation.

SEC. 5. Lots, with the buildings thereon, if said buildings are used solely and exclusively for religious worship, for schools, or for strictly charitable purposes, also cemeteries not used or held for private or corporate profit, shall be exempt from taxation, unless otherwise provided by general law.

SEC. 6. All laws exempting from taxation property other than that here-inbefore mentioned shall be void.

SEC. 7. The general assembly shall not impose taxes for the purposes of any county, city, town, or other municipal corporation, but may, by law, vest in the corporate authorities thereof respectively the power to assess and collect taxes for all purposes of such corporation.

SEC. 8. No county, city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their, or its, proportionate share of taxes to be levied for State purposes.

[22]Section 3 has been amended three times; the first amendment was proposed by the legislature of 1879 and ratified on November 2, 1880; the second amendment was proposed by the legislature of 1891 and ratified on November 8, 1892; the present amendment was proposed by the legislature of 1903 and ratified on November 8, 1904. The text of the amendment of 1880 is as follows: Section 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; *Provided*, That mines and mining claims bearing gold, silver and other precious metals (except the net proceeds and surface improvements thereof), shall be exempt from taxation for the period of ten years from the date of the adoption of this Constitution; and thereafter may be taxed as provided by law; *And, provided further*, That the household goods of every person being the head of a family, to the value of two hundred dollars, shall be exempt from taxation. Ditches, canals and flumes, owned and used by individuals or corporations for irrigating lands, owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose. The text of the amendment of 1892 is as follows: Sec. 3. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected under general laws which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal; *Provided*, That the household goods of every person being the head of a family to the value of two hundred dollars shall be exempt from taxation. Ditches, canals, and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed so long as they shall be owned and used exclusively for such purpose; *And provided further*, That the provisions of this section shall not affect such special assessments for benefits and municipal improvements as the corporate authorities of cities, towns or improvement districts may assess and collect under provisions to be prescribed by law.

SEC. 9. The power to tax corporations and corporate property, real and personal, shall never be relinquished or suspended.

SEC. 10. All corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on the real and personal property owned or used by them within the territorial limits of the authority levying the tax.

SEC. 11. The rate of taxation on property, for state purposes, shall never exceed four mills on each dollar of valuation.[23]

SEC. 12. The treasurer shall keep a separate account of each fund in his hands, and shall, at the end of each quarter of the fiscal year, report to the governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place where the same are kept or deposited, and the number and amount of every warrant received, and the number and amount of every warrant paid therefrom during the quarter. Swearing falsely to any such report shall be deemed perjury. The governor shall cause every such report to be immediately published in at least one newspaper printed at the seat of government, and otherwise as the general assembly may require. The general assembly may provide by law further regulations for the safe-keeping and management of the public funds in the hands of the treasurer; but notwithstanding any such regulation, the treasurer and his sureties shall in all cases be held responsible therefor.

SEC. 13. The making of profit, directly or indirectly, out of State, county, city, town or school-district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 14. Private property shall not be taken or sold for the payment of the corporate debt of municipal corporations.

SEC. 15. There shall be a Board of Equalization for the state, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney General. The duty of the said Board of Equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property of the several counties of the state, and the valuation of any item or items of the various classes of such property.

There shall be in each county of this state a County Board of Equalization, consisting of the board of county commissioners of said county. The duty of the County Board of Equalization shall be to adjust, equalize, raise or lower the valuation of real and personal property within their respective counties, subject to revision, change and amendment by the State Board of Equalization. The State Board of Equalization and the County Board of Equalization shall equalize to the end that all taxable property in the state shall be assessed at its full cash value and also perform such other duties as may be prescribed by law; *Provided, however*, That the State Board of Equalization shall have no power of original assessment.[24]

SEC. 16. No appropriation shall be made, nor any expenditure authorized by the general assembly, whereby the expenditure of the State, during a fiscal year, shall exceed the total tax then provided for by law and applicable for such appropriation or expenditure, unless the general assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in section eleven of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war.

ARTICLE XI.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the State, nor any county, city, town, township, or school-district shall lend or pledge the credit or faith thereof, directly or indirectly, in any manner to, or in aid of, any person, company, or corpo-

[23] Amendment proposed by the legislature of 1891 and ratified on November 8, 18
[24] Amendment proposed by the legislature of 1913 and ratified on November 3, 19

ration, public or private, for any amount or for any purpose whatever, or become responsible for any debt, contract, or liability of any person, company, or corporation, public or private, in or out of the State.

SEC. 2. Neither the State, nor any county, city, town, township, or school-district shall make any donation or grant to, or in aid of, or become a subscriber to, or shareholder in, any corporation or company, or a joint owner with any person, company, or corporation, public or private, in or out of the State, except as to such ownership as may accrue to the State by escheat, or by forfeiture, by operation or provision of law; and except as to such ownership as may accrue to the State, or to any county, city, town, township, or school-district, or to either or any of them, jointly with any person, company, or corporation, by forfeiture or sale of real estate for non-payment of taxes, or by donation or devise for public use, or by purchase by or on behalf of any or either of them, jointly with any or either of them, under execution in cases of fine, penalties, or forfeiture of recognizance, breach of condition of official bond, or of bond to secure public moneys, or the performance of any contract in which they or any of them may be jointly or severally interested.

SEC. 3. The state shall not contract any debt by loan in any form, except to provide for casual deficiencies of revenue, erect public buildings for the use of the state, suppress insurrection, defend the state, or, in time of war, assist in defending the United States; and the amount of the debt contracted in any one year to provide for deficiencies of revenue, shall not exceed one-fourth of a mill on each dollar of valuation of taxable property within the state, and the aggregate amount of such debt shall not at any time exceed three-fourths of a mill on each dollar of said valuation, until the valuation shall equal one hundred millions of dollars, and thereafter such debt shall not exceed one hundred thousand dollars, and the debt incurred in any one year for erection of public buildings shall not exceed one-half mill on each dollar of said valuation; and the aggregate amount of such debt shall never at any time exceed the sum of fifty thousand dollars (except as provided in section five of this article), and in all cases the valuation in this section mentioned shall be that of the assessment last preceding the creation of said debt;

Provided, that, in addition to the amount of debt that may be incurred, as above, the state may contract a debt by loan for the purpose of paying the principal and accrued interest of all the outstanding warrants issued by this state during and for the years, 1887, 1888, 1889, 1892, 1893, 1894, and 1897; said debt to be evidenced by registered coupon interest bearing funding bonds to an amount not exceeding $2,115,000.00, or so much thereof as may be necessary to pay said warrants and interest thereon.

Said funding bonds shall be dated December 1st, 1910, shall be payable at the option of the State of Colorado at any time after ten years from their date, shall be absolutely due and payable fifty (50) years after their date, and shall be of the denomination of One Hundred Dollars ($100.00) each, or any multiple thereof. The interest on said bonds shall be payable semi-annually at the rate of three per cent. per annum at the office of the state treasurer, or at some place in the City of New York, U. S. A., and the principal of said bonds shall be payable at the office of the state treasurer.

No such bonds shall be issued except at par and accrued interest, and upon the contemporaneous surrender and cancellation of a like amount of principal and interest of said warrants.

Said bonds to an amount equaling the principal of said warrants now held by the public school fund shall be registered by the state auditor and state treasurer in the name and for the benefit of and payable only to the said fund, and shall not be transferable.

And all such bonds to an amount equaling the interest on said warrants now held in the school fund shall be sold by the state treasurer at not less than par and accrued interest; and the proceeds thereof paid into the school fund, and distributed to the several counties and school districts of the state for school purposes, in the proportions and in the manner required by law.[25]

[25]Amendment proposed by the legislature of 1909 and ratified on November 8, 1910.

SEC. 4. In no case shall any debt above mentioned in this article be created, except by a law which shall be irrepealable, until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purposes to which the funds so raised shall be applied, and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of, such debt within the time limited by such law for the payment thereof, which, in the case of debts contracted for the erection of public buildings and supplying deficiencies of revenue, shall not be less than ten nor more than fifteen years; and the funds arising from the collection of any such tax shall not be applied to any other purpose than that provided in the law levying the same; and when the debt thereby created shall be paid or discharged such tax shall cease, and the balance, if any, to the credit of the fund, shall immediately be placed to the credit of the general fund of the State.

SEC. 5. A debt for the purpose of erecting public buildings may be created by law, as provided for in section four of this article, not exceeding in the aggregate three mills on each dollar of said valuation: *Provided*, That before going into effect such law shall be ratified by the vote of a majority of such qualified electors of the State as shall vote thereon at a general election, under such regulations as the general assembly may prescribe.

SEC. 6. No county shall contract any debt by loan in any form except for the purpose of erecting necessary public buildings, making or repairing public roads and bridges; and such indebtedness contracted in any one year shall not exceed the rates upon the taxable property in such county following, to-wit: Counties in which the assessed valuation of taxable property shall exceed five millions of dollars, one dollar and fifty cents on each thousand dollars thereof; counties in which such valuation shall be less than five millions of dollars, three dollars on each thousand dollars thereof, and the aggregate amount of indebtedness of any county for all purposes, exclusive of debts contracted before the adoption of this constitution, shall not at any time exceed twice the amount above herein limited, unless when in manner provided by law, the question of incurring such debt shall, at a general election, be submitted to such of the qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed to them in such county, and a majority of those voting thereon shall vote in favor of incurring the debt; but the bonds, if any be issued therefor, shall not run less than ten years, and the aggregate amount of debt so contracted shall not at any time exceed twice the rate upon the valuation last herein mentioned; *Provided*, That any county in this state which has an indebtedness outstanding, either in the form of warrants issued for purposes provided by law prior to December 31, A. D. 1886, or in the form of funding bonds issued prior to such date for such warrants previously outstanding, or in the form of public building, road or bridge bonds outstanding at such date, may contract a debt by loan by the issuance of bonds for the purpose of liquidating such indebtedness, provided the question of issuing said bonds shall, at a general or special election, called for that purpose, be submitted to the vote of such of the duly qualified electors of such county as in the year last preceding such election shall have paid a tax upon property assessed in such county, and the majority of those voting thereon shall vote in favor of issuing the bonds. Such election shall be held in the manner prescribed by the laws of this state for the issuance of road, bridge and public building bonds, and the bonds authorized at such election shall be issued and provision made for their redemption in the same manner as provided in said law.[26]

SEC. 7. No debt by loan in any form shall be contracted by any school-district for the purpose of erecting and furnishing school-buildings or purchasing grounds, unless the proposition to create such debt shall first be submitted to such qualified electors of the districts as shall have paid a school-tax therein in the year next preceding such election, and a majority of those voting thereon shall vote in favor of incurring such debt.

[26]Amendment proposed by the legislature of 1887 and ratified on November 6, 1888.

SEC. 8. No city or town shall contract any debt by loan in any form, except by means of an ordinance, which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged, specifying the purposes to which the funds to be raised shall be applied, and providing for the levy of a tax, not exceeding twelve mills on each dollar of valuation of taxable property within such city or town, sufficient to pay the annual interest and extinguish the principal of such debt within fifteen, but not less than ten, years from the creation thereof; and such tax, when collected, shall be applied only to the purposes in such ordinance specified until the indebtedness shall be paid or discharged; but no such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, aldermen, or officers of such city or town, be submitted to a vote of such qualified electors thereof as shall, in the year next preceding, have paid a property-tax therein, and a majority of those voting on the question, by ballot deposited in a separate ballot-box, shall vote in favor of creating such debt; but the aggregate amount of debt so created, together with the debt existing at the time of such election, shall not at any time exceed three per cent. of the valuation last aforesaid. Debts contracted for supplying water to such city or town are excepted from the operation of this section. The valuation in this section mentioned shall be in all cases that of the assessment next preceding the last assessment before the adoption of such ordinance.

SEC. 9. Nothing contained in this article shall be so construed as to either impair or add to the obligation of any debt heretofore contracted by any county, city, town, or school-district in accordance with the laws of Colorado territory, or prevent the contracting of any debt, or the issuing of bonds therefor, in accordance with said laws, upon any proposition for that purpose which may have been, according to said laws, submitted to a vote of the qualified electors of any county, city, town, or school-district before the day on which this constitution takes effect.

ARTICLE XII.

OFFICERS.

SECTION 1. Every person holding any civil office under the State or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified; but this shall not apply to members of the general assembly, nor to members of any board or assembly two or more of whom are elected at the same time; the general assembly may by law provide for suspending any officer in his functions pending impeachment or prosecution for misconduct in office.

SEC. 2. No person shall hold any office or employment of trust or profit, under the laws of the State or any ordinance of any municipality therein, without devoting his personal attention to the duties of the same.

SEC. 3. No person who is now or hereafter may become a collector or receiver of public money, or the deputy or assistant of such collector or receiver, and who shall have become a defaulter in his office, shall be eligible to or assume the duties of any office of trust or profit in this State, under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all public money for which he may be accountable.

SEC. 4. No person hereafter convicted of embezzlement of public moneys, bribery, perjury, solicitation of bribery, or subornation of perjury, shall be eligible to the general assembly, or capable of holding any office of trust or profit in this State.

SEC. 5. The district court of each county shall, at each term thereof, specially give in charge to the grand jury, if there be one, the laws regulating the accountability of the county treasurer, and shall appoint a committee of such grand jury, or of other reputable persons, not exceeding five, to investigate the official accounts and affairs of the treasurer of such county, and report to the court the condition thereof. The judges of the district court may appoint a like committee in vacation at any time, but not oftener than once in every three months. The district court of the county wherein the seat of

government may be shall have the like power to appoint committees to investi gate the official accounts and affairs of the State treasurer and the auditor o State.

SEC. 6. Any civil officer or member of the general assembly who sha solicit, demand, or receive, or consent to receive, directly or indirectly, for him self or for another, from any company, corporation, or person, any money, office appointment, employment, testimonial, reward, thing of value or enjoyment, o of personal advantage or promise thereof, for his vote, official influence, or action or for withholding the same, or with an understanding that his official influenc or action shall be in any way influenced thereby, or who shall solicit or deman any such money or advantage, matter, or thing aforesaid for another, as th consideration of his vote, official influence, or action, or for withholding the sam or shall give or withhold his vote, official influence, or action in consideration o the payment or promise of such money, advantage, matter, or thing to an other, shall be held guilty of bribery, or solicitation of bribery, as the case ma be, within the meaning of this constitution, and shall incur the disabilities pro vided thereby for such offense, and such additional punishment as is or shall b prescribed by law.

SEC. 7. Every member of the general assembly shall, before he enter upon his official duties, take an oath or affirmation to support the Const tution of the United States and of the State of Colorado, and to faithfull perform the duties of his office according to the best of his ability. This oat or affirmation, shall be administered in the hall of the house to which th member shall have been elected.

SEC. 8. Every civil officer, except members of the general assembly an such inferior officers as may be by law exempted shall, before he enters upo the duties of his office, take and subscribe an oath or affirmation to suppo the Constitution of the United States and the State of Colorado, and to fait fully perform the duties of the office upon which he shall be about to enter.

SEC. 9. Officers of the executive department and judges of the supreme and district courts, and district attorneys, shall file their oaths of office wit the secretary of state; every other officer shall file his oath of office with th county clerk of the county wherein he shall have been elected.

SEC. 10. If any person elected or appointed to any office shall refuse o neglect to qualify therein within the time prescribed by law, such office sha be deemed vacant.

SEC. 11. The term of office of any officer elected to fill a vacancy sha terminate at the expiration of the term during which the vacancy occurred.

SEC. 12. No person who shall hereafter fight a duel, or assist in the sam as a second, or send, accept, or knowingly carry a challenge therefor, or agre to go out of the State to fight a duel, shall hold any office in the State.

ARTICLE XIII.

IMPEACHMENTS.

SECTION 1. The house of representatives shall have the sole power impeachment. The concurrence of a majority of all the members shall necessary to an impeachment. All impeachments shall be tried by the Sena and, when sitting for that purpose, the senators shall be upon oath or affirm tion to do justice according to law and evidence. When the governor lieutenant governor is on trial, the chief-justice of the supreme court sh preside. No person shall be convicted without a concurrence of two-thir of the senators elected.

SEC. 2. The governor and other State and judicial officers, except coun judges and justices of the peace, shall be liable to impeachment for hi crimes or misdemeanors, or malfeasance in office, but judgment in such cas shall only extend to removal from office and disqualification to hold a office of honor, trust, or profit in the State. The party, whether convicted acquitted, shall, nevertheless, be liable to prosecution, trial, judgment, a punishment according to law.

SEC. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE XIV.

COUNTIES.

SECTION 1. The several counties of the Territory of Colorado, as they now exist, are hereby declared to be counties of the State.

SEC. 2. The general assembly shall have no power to remove the county-seat of any county, but the removal of county-seats shall be provided for by general law, and no county-seat shall be removed unless a majority of the qualified electors of the county, voting on the proposition at a general election, vote therefor; and no such proposition shall be submitted oftener than once in four years, and no person shall vote on such proposition who shall not have resided in the county six months and in the election-precinct ninety days next preceding such election.

SEC. 3. No part of the territory of any county shall be stricken off and added to an adjoining county without first submitting the question to the qualified voters of the county from which the territory is proposed to be stricken off; nor unless a majority of all the qualified voters of said county voting on the question shall vote therefor.

SEC. 4. In all cases of the establishment of any new county, the new county shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which such new county shall be formed.

SEC. 5. When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

COUNTY OFFICERS.

SEC. 6. In each county having a population of less than seventy thousand there shall be elected, for a term of four years each, three county commissioners who shall hold sessions for the transaction of county business as provided by law; any two of whom shall constitute a quorum for the transaction of business. Two of said commissioners shall be elected at the general election in the year nineteen hundred and four, and at the general election every four years thereafter; and the other one of said commissioners shall be elected at the general election in the year nineteen hundred and six, and at the general election every four years thereafter; *Provided*, That when the population of any county shall equal or exceed seventy thousand, the board of county commissioners may consist of five members, any three of whom shall constitute a quorum for the transaction of business. Three of said commissioners in said county shall be elected at the general election in the year 1904 and at the general election every four years thereafter; and the other two of said commissioners in such county shall be elected at the general election in the year nineteen hundred and six and every four years thereafter; and all of such commissioners shall be elected for the term of four years.

The term of office of the county commissioners in each county that expires in January, 1904, is hereby extended to the second Tuesday in January, A. D. 1905, and the term of office of the county commissioners that expires in January, 1906, is hereby extended to the second Tuesday in January A. D. 1907; and in counties having a population of more than seventy thousand, the term of office of the commissioners that expires in 1904 shall be extended to the second Tuesday in January, 1905, and the term of office of the county commissioners that expires in 1906, is hereby extended to the second Tuesday in January, 1907. This section shall govern, except as hereafter otherwise expressly directed or permitted by constitutional enactment.[27]

SEC. 7. The compensation of all county and precinct officers shall be as provided by law.

[27]Amendment proposed by the legislature of 1901 and ratified on November 4, 1902.

SEC. 8. There shall be elected in each county at the same time at which members of the general assembly are elected, commencing in the year nineteen hundred and four, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer, who shall be collector of taxes; one county superintendent of schools; one county surveyor; one county assessor; and one county attorney, who may be elected, or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials that expire in January, 1904, is hereby extended to the second Tuesday in January A. D. 1905.

This section shall govern, except as hereafter otherwise expressly directed, or permitted by constitutional enactment.[28]

SEC. 9. In case of a vacancy occurring in the office of county commissioner, the governor shall fill the same by appointment; and in the case of vacancy in any other county office, or in any precinct office, the board of county commissioners shall fill the same by appointment; and the person appointed shall hold the office until the next general election, or until the vacancy is filled by election according to law.

SEC. 10. No person shall be eligible to any county office unless he be a qualified elector; nor unless he shall have resided in the county one year preceding his election.

SEC. 11. There shall be elected at the same time at which members of the general assembly are elected, beginning with the year nineteen hundred and four, two justices of the peace and two constables in each precinct in each county, who shall hold their office for a term of two years: *Provided*, That in precincts containing fifty thousand (50,000) or more inhabitants, the number of justices and constables may be increased as provided by law. The term of offices of all justices of the peace that expires in January, 1904, is hereby extended to the second Tuesday in January, 1905. This section shall govern, except as hereafter otherwise expressly directed, or permitted by constitutional enactment.[29]

SEC. 12. The general assembly shall provide for the election or appointment of such other county, township, precinct, and municipal officers as public convenience may require; and their terms of office shall be as prescribed by law, not in any case to exceed two years.

SEC. 13. The general assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions.

SEC. 14. The general assembly shall also make provision, by general law, whereby any city, town, or village, incorporated by any special or local law, may elect to become subject to, and be governed by, the general law relating to such corporations.

SEC. 15. For the purpose of providing for and regulating the compensation of county and precinct officers, the general assembly shall, by law, classify the several counties of the State according to population, and shall grade and fix the compensation of the officers within the respective classes according to the population thereof. Such law shall establish scales of fees to be charged and collected by such of the county and precinct officers as may be designated therein, for services to be performed by them respectively; and where salaries are provided the same shall be payable only out of the fees actually collected in all cases where fees are prescribed. All fees, perquisites, and emoluments above the amount of such salaries, shall be paid into the county treasury.

[28] Amendment proposed by the legislature of 1901 and ratified on November 4, 1902.
[29] Amendment proposed by the legislature of 1901 and ratified on November 4, 1902.

ARTICLE XV.

CORPORATIONS.

SECTION 1. All existing charters or grants of special or exclusive privileges, under which the corporators or grantees shall not have organized and commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporations shall be granted, extended, changed, or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations as are or may be under the control of the State; but the general assembly shall provide by general laws for the organizations (of corporations) hereafter to be created.

SEC. 3. The general assembly shall have the power to alter, revoke, or annul any charter of incorporation now existing and revocable at the adoption of this constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of the State, in such manner, however, that no injustice shall be done to the corporators.

SEC. 4. All railroads shall be public highways, and all railroad companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any designated points within this State, and to connect at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad.

SEC. 5. No railroad corporation, or the lessees or managers thereof, shall consolidate its stock, property, or franchises with any other railroad corporation owning or having under its control a parallel or competing line.

SEC. 6. All individuals, associations, and corporations shall have equal rights to have persons and property transported over any railroad in this State, and no undue or unreasonable discrimination shall be made in charges or in facilities for transportation of freight or passengers within the State, and no railroad company, nor any lessee, manager, or employé thereof, shall give any preference to individuals, associations, or corporations in furnishing cars or motive-power.

SEC. 7. No railroad or other transportation company in existence at the time of the adoption of this constitution shall have the benefit of any future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this constitution in binding form.

SEC. 8. The right of eminent domain shall never be abridged, nor so construed as to prevent the general assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the police powers of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 9. No corporation shall issue stocks or bonds, except for labor done, services performed, or money or property actually received, and all fictitious increase of stock and indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock, first obtained at a meeting held after at least thirty days' notice given in pursuance of law.

SEC. 10. No foreign corporation shall do any business in this State without having one or more known places of business, and an authorized agent or agents in the same upon whom process may be served.

SEC. 11. No street railroad shall be constructed within any city, town, or incorporated village without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

SEC. 12. The general assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State a new liability in respect to transactions or considerations already past.

SEC. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines; and the general assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph company owning or having the control of a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 14. If any railroad, telegraph, express, or other corporation organized under any of the laws of this State shall consolidate, by sale or otherwise, with any railroad, telegraph, express, or other corporation organized under any laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters which may arise, as if said consolidation had not taken place.

SEC. 15. It shall be unlawful for any person, company, or corporation to require of its servants or employés, as a condition of their employment or otherwise, any contract or agreement whereby such person, company, or corporation shall be released or discharged from liability or responsibility on account of personal injuries received by such servants or employés while in the service of such person, company, or corporation by reason of the negligence of such person, company, or corporation, or the agents or employés thereof; and such contracts shall be absolutely null and void.

ARTICLE XVI.

MINING AND IRRIGATION.

MINING.

SECTION 1. There shall be established and maintained the office of commissioner of mines, the duties and salary of which shall be prescribed by law. When said office shall be established the governor shall, with the advice and consent of the Senate, appoint thereto a person known to be competent, whose term of office shall be four years.

SEC. 2. The general assembly shall provide by law for the proper ventilation of mines, the construction of escapement-shafts, and such other appliances as may be necessary to protect the health and secure the safety of the workmen therein, and shall prohibit the employment in the mines of children under twelve years of age.

SEC. 3. The general assembly may make such regulations from time to time as may be necessary for the proper and equitable drainage of mines.

SEC. 4. The general assembly may provide that the science of mining and metallurgy be taught in one or more of the institutions of learning under the patronage of the State.

IRRIGATION.

SEC. 5. The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public; and the same is dedicated to the use of the people of the State, subject to appropriation as hereinafter provided.

SEC. 6. The right to divert the unappropriated waters of any natural stream to beneficial uses shall never be denied. Priority of appropriation shall give the better right as between those using the water for the same purpose; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall have the preference over those claiming for any other purpose, and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes.

SEC. 7. All persons and corporations shall have the right of way across public, private, and corporate lands for the construction of ditches, canals

nd flumes for the purpose of conveying water for domestic purposes, for the rigation of agricultural lands, and for mining and manufacturing purposes, nd for drainage, upon payment of just compensation.

SEC. 8. The general assembly shall provide by law that the board of unty commissioners, in their respective counties, shall have power, when pplication is made to them by either party interested, to establish reasonable aximum rates to be charged for the use of water, whether furnished by dividuals or corporations.

ARTICLE XVII.

MILITIA.

SECTION 1. The militia of the State shall consist of all able-bodied male esidents of the State between the ages of eighteen and forty-five years, except ich persons as may be exempted by the laws of the United States or of the tate.

SEC. 2. The organization, equipment, and discipline of the militia shall nform, as nearly as practicable, to the regulations for the government of e armies of the United States.

SEC. 3. The governor shall appoint all general, field, and staff officers, and mmission them. Each company shall elect its own officers, who shall be mmissioned by the governor; but if any company shall fail to elect such ficers within the time prescribed by law, they may be appointed by the vernor.

SEC. 4. The general assembly shall provide for the safe-keeping of the blic arms, military records, relics, and banners of the State.

SEC. 5. No person having conscientious scruples against bearing arms shall compelled to do militia duty in time of peace; *Provided*, Such person shall y an equivalent for such exemption.

ARTICLE XVIII.

MISCELLANEOUS.

SECTION 1. The general assembly shall pass liberal homestead and exemp- on laws.

SEC. 2. The general assembly shall have no power to authorize lotteries gift enterprises for any purpose, and shall pass laws to prohibit the sale lottery or gift-enterprise tickets in this State.

SEC. 3. It shall be the duty of the general assembly to pass such laws as ay be necessary and proper to decide differences by arbitrators, to be ap inted by mutual agreement of the parties to any controversy, who may choose at mode of adjustment. The powers and duties of such arbitrators shall be as escribed by law.

SEC. 4. The term felony, wherever it may occur in this constitution or the ws of the State, shall be construed to mean any criminal offense punish le by death or imprisonment in the penitentiary, and none other.

SEC. 5. The general assembly shall prohibit by law the importation into State, for the purpose of sale, of any spurious, poisonous, or drugged rituous liquors, or spirituous liquors adulterated with any poisonous or dele- rious substance, mixture, or compound; and shall prohibit the compounding or nufacture within this State, except for chemical or mechanical purposes, of any said liquors, whether they be denominated spirituous, vinous, malt, or other se; and shall also prohibit the sale of any such liquors to be used as a verage; and any violation of either of said prohibitions shall be punished by e and imprisonment. The general assembly shall provide by law for the ndemnation and destruction of all spurious, poisonous, or drugged liquors rein prohibited.

SEC. 6. The general assembly shall enact laws in order to prevent the struction of, and to keep in good preservation, the forests upon the lands the State, or upon lands of the public domain, the control of which shall conferred by Congress upon the State.

SEC. 7. The general assembly may provide that the increase in the value private lands, caused by the planting of hedges, orchards, and forests there-

on, shall not, for a limited time, to be fixed by law, be taken into account
assessing such lands for taxation.

SEC. 8. The general assembly shall provide for the publication of th
laws passed at each session thereof; and, until the year 1900, they shall cau
to be published in Spanish and German a sufficient number of copies of sa
laws to supply that portion of the inhabitants of the State who speak tho
languages, and who may be unable to read and understand the English languag

ARTICLE XIX.

FUTURE AMENDMENTS.

SECTION 1. The general assembly may, at any time, by a vote of tw
thirds of the members elected to each house, recommend to the electors of th
State to vote at the next general election for or against a convention to revis
alter, and amend this constitution; and if a majority of those voting on th
question shall declare in favor of such convention, the general assemb
shall, at its next session, provide for the calling thereof. The number of mem
bers of the convention shall be twice that of the senate, and they shall
elected in the same manner, at the same places, and in the same district
The general assembly shall, in the act calling the convention, designate the da
hour, and place of its meeting; fix the pay of its members and officers, an
provide for the payment of the same, together with the necessary expens
of the convention. Before proceeding the members shall take an oath to su
port the Constitution of the United States and of the State of Colorado, an
to faithfully discharge their duties as members of the convention. The qua
fications of members shall be the same as of members of the senate, a
vacancies occurring shall be filled in the manner provided for filling vacanci
in the general assembly. Said convention shall meet within three mont
after such election, and prepare such revisions, alterations, or amendments
the constitution as may be deemed necessary, which shall be submitted
electors for their ratification or rejection at an election appointed by th
convention for that purpose, not less than two nor more than six mont
after the adjournment thereof; and unless so submitted and approved by
majority of the electors voting at the election, no such revision, alteration,
amendment shall take effect.

SEC. 2. Any amendment or amendments to this constitution may be p
posed in either house of the general assembly, and if the same shall be vot
for by two-thirds of all the members elected to each house, such propos
amendment or amendments, together with the ayes and noes of each hou
thereon, shall be entered in full on their respective journals; the propos
amendment or amendments shall be published with the laws of that sess
of the general assembly, and the secretary of state shall also cause the s
amendment or amendments to be published in full in not more than
newspaper of general circulation in each county, for four successive wee
previous to the next general election for members of the general assemb
and at said election the said amendment or amendments shall be submitted
the qualified electors of the state for their approval or rejection, and s
as are approved by a majority of those voting thereon shall become part
this constitution.

Provided, That if more than one amendment be submitted at any gene
election, each of said amendments shall be voted upon separately and vo
thereon cast shall be separately counted the same as though but one ame
ment was submitted. But the general assembly shall have no power to p
pose amendments to more than six articles of this constitution at the sa
session.[30]

ARTICLE XX.

CITY AND COUNTY OF DENVER—INCORPORATION.

SECTION 1. The municipal corporation known as the city of Denver, a
all municipal corporations and that part of the quasi-municipal corporat

[30]Amendment proposed by the legislature of 1899 and ratified on November 6, 19

known as the county of Arapahoe, in the State of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver." By that name said corporation shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed or held by the said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected herewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and county and the inhabitants thereof, and any such systems, plants or works or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the city of Denver if it were not merged, as in this amendment provided, into the city and county of Denver. Any contiguous town, city or territory hereafter annexed to or consolidated with the city and county of Denver, under any of the laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging.

The city and county of Denver shall alone always constitute one judicial district of the state.

OFFICERS.

SEC. 2. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but every charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the constitution or by the general law, as far as applicable. If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments.

TRANSFER OF GOVERNMENT.

SEC. 3. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly, and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge into the city and county of Denver, and the terms of office of all officers of the city of Denver and of all included municipalities and of the county of Arapahoe shall terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex officio surveyor and said chief of police shall be ex officio sheriff of the city and county of Denver; and the then clerk and ex officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver and the district attorney shall also be ex officio attorney of the city and county of Denver. The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judges, county judge and district attorney shall serve their full terms, respectively, for which elected. The police and firemen of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

FIRST CHARTER.

SEC. 4. The charter and ordinances of the city of Denver as the same shall exist when this amendment takes effect, shall, for the time being only and as far as applicable, be the charter and ordinances of the city and county of Denver; but the people of the city and county of Denver are hereby vested with and they shall always have the exclusive power in the making, altering, revising or amending their charter, and, within ten days after the proclamation of the governor announcing the adoption of this amendment the council of the city and county of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers who shall have been qualified electors within the limits thereof for at least five years who shall constitute a charter convention to frame a charter for said city and county in harmony with this amendment. Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county who shall publish the same in full with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against) duly certified by the said clerk, shall, within ten days after such vote is taken, be filed with the secretary of state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election to be called as above in said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being

within thirty days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver and shall become the organic law thereof, and supersede any existing charters and amendments thereof. The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid the officer and member thereof, allowing no compensation in case of non-attendance or tardy attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk. The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury upon the order of the council.

No franchise relating to any street, alley or public place of the said city and county shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise. The council shall have power to fix the rate of taxation on property each year for city and county purposes.

NEW CHARTERS, AMENDMENTS OF MEASURES.

SEC. 5. The citizens of the city and county of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided.

It shall be competent for qualified electors in number not less than five per cent. of the next preceding gubernatorial vote in said city and county to petition the council for any measure, or charter amendment, or for a charter convention. The council shall submit the same to a vote of the qualified electors at the next general election not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent. of the next preceding gubernatorial vote in said city and county, with a request for a special election, the council shall submit it at a special election to be held not less than thirty nor more than sixty days from the date of filing the petition; *Provided*, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter. In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The clerk of the city and county shall publish, with his official certification, for three times, a week apart, in the official newspaper, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters. Within ten days following the vote the said clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and he shall file with

the secretary of state two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing. He shall also certify to the secretary of state, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention. Each charter shall also provide for a reference, upon proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper. Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for use at elections and references.

No charter, charter amendment or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote. And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the General Assembly, or interfere in any wise with the collection of state taxes.

CITIES OF THE FIRST AND SECOND CLASS.

SEC. 6. The people of each city or town in this State, having a population of two thousand inhabitants as determined by the last preceding census taken under the authority of the United States, the States of Colorado or said city or town, are hereby vested with, and they shall always have, power to make, amend, add to or replace the charter of said city or town, which shall be its organic law and extend to all its local and municipal matters.

Such charter and the ordinances made pursuant thereto in such matters shall supersede within the territorial limits and other jurisdiction of said city or town any law of the State in conflict therewith.

Proposals for charter conventions shall be submitted by the city council or board of trustees, or other body in which the legislative powers of the city or town shall then be vested, at special elections, or at general state or municipal elections, upon petitions filed by qualified electors, all in reasonable conformity with section 5 of this article, and all proceedings thereon or thereafter shall be in reasonable conformity with sections 4 and 5 of this article.

From and after the certifying to and filing with the Secretary of State of a charter framed and approved in reasonable conformity with the provisions of this article, such city or town, and the citizens thereof, shall have the powers set out in sections 1, 4 and 5 of this article, and all other powers necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control:

a. The creation and terms of municipal officers, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms of tenure of all municipal officers, agents and employees;

b. The creation of police courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of police magistrates therefor;

c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;

d. All matters pertaining to municipal elections in such city or town, and to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes nonpartisan in character;

e. The issuance, refunding and liquidation of all kinds of municipal obligations including bonds and other obligations of park, water and local improvement districts;

f. The consolidation and management of park or water districts in such cities or towns or within the jurisdiction thereof; but no such consolidation shall be effective until approved by the vote of a majority, in each district to be consolidated, of the qualified electors voting therein upon the question;

g. The assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for municipal purposes and special assessments for local improvements; such assessment, levy and collection of taxes and special assessments to be made by municipal officials or by the county or state officials as may be provided by the charter;

h. The imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of the charter, or of any ordinance adopted in pursuance of the charter.

It is the intention of this article to grant and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters and the enumeration herein of certain powers shall not be construed to deny to such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right.

The statutes of the State of Colorado, so far as applicable, shall continue to apply to such cities and towns, except in so far as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters.

All provisions of the charters of the City and County of Denver and the Cities of Pueblo, Colorado Springs and Grand Junction, as heretofore certified to and filed with the Secretary of State, and of the charter of any other city heretofore approved by a majority of those voting thereon and certified to and filed with the Secretary of State, which provisions are not in conflict with this article, and all elections and electoral votes heretofore had under and pursuant thereto, are hereby ratified, affirmed and validated as of their date.

Any act in violation of the provisions of such charter or of any ordinance thereunder shall be criminal and punishable as such when so provided by any statute now or hereafter in force.

The provisions of this section 6 shall apply to the City and County of Denver.

This article shall be in all respects self-executing.[31]

SCHOOL DISTRICTS CONSOLIDATED.

SEC. 7. The city and county of Denver shall alone constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a board of education consisting of such numbers, elected in such manner as the general school laws of the state shall provide, and until the first election under said laws of a full board of education which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1, and the respective presidents of the school boards of school districts Nos. 2, 7, 17 and 21, at the time this amendment takes effect, shall act as such board of education, and all districts or special charters now existing are hereby abolished.

The said board of education shall perform all the acts and duties required to be performed for said district by the general laws of the state. Except as inconsistent with this amendment, the general school laws of the state shall, unless the context evinces a contrary intent, be held to extend and apply to the said "District No. 1."

Upon the annexation of any contiguous municipality which shall include a school district or districts or any part of a district, said school district or

[31]Amendment proposed by the initiative, ratified on November 5, 1912, effective January 22, 1913. The text of the original section as adopted in 1902 is as follows: Sec. 6. Cities of the first and second class in this state, are hereby empowered to propose for submission to a vote of the qualified electors, proposals for charter conventions and to hold the same, and to amend any such charter, with the same force and in the same manner and have the same power, as near as may be, as set out in sections four (4) and five (5) hereof, with full power as to real and personal property and public utilities, works or ways, as set out in section one (1) of this amendment.

districts or part shall be merged in said "District No. 1," which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts:

Provided, however, That the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1," shall be paid by said school district so owing the same by a special tax to be fixed and certified by the board of education to the council which shall levy the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1," and in case of partially included districts such tax shall be equitably apportioned upon the several parts thereof.

SEC. 8. Anything in the Constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.[32]

ARTICLE XXI.

RECALL FROM OFFICE.

SECTION 1. Every elective public officer of the State of Colorado may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent through the procedure and in the manner herein provided for, which procedure shall be known as the Recall, and shall be in addition to and without excluding any other method of removal provided by law.

The procedure hereunder to effect the recall of an elective public officer shall be as follows:

A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding election for all candidates for the position which the incumbent sought to be recalled occupies, demanding an election of the successor to the officer named in said petition, shall be filed in the office in which petitions for nominations to office held by the incumbent sought to be recalled are required to be filed; *Provided*, if more than one person is required by law to be elected to fill the office of which the person sought to be recalled is an incumbent, then the said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five per centum of the entire vote cast at the last preceding general election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office, at the last preceding general election; and such petition shall contain a general statement, in not more than two hundred words, of the ground or grounds on which such recall is sought, which statement is intended for the information of the electors, and the electors shall be the sole and exclusive judges of the legality, reasonableness and sufficiency of such ground or grounds assigned for such recall, and said ground or grounds shall not be opened to review.

SEC. 2. Any recall petition may be circulated and signed in sections, provided each section shall contain a full and accurate copy of the title and text of the petition; and such recall petition shall be filed in the office in which petitions for nominations to office held by the incumbent sought to be recalled are required to be filed.

The signatures to such recall petition need not all be on one sheet of paper, but each signer must add to his signature the date of his signing said petition, and his place of residence, giving his street number, if any, should he reside in a town or city. The person circulating such sheet must make and

[32] The whole of Article XX is new; it was proposed by the legislature of 1901 and ratified on November 4, 1902.

subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, wilfully so made and subscribed by such person, shall be perjury and be punished as such. All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signers shall be deemed and held to be qualified electors, unless a protest in writing under oath shall be filed in the office in which such petition has been filed, by some qualified elector, within fifteen days after such petition was filed, setting forth specifically the grounds of such protest, whereupon the officer with whom such petition is filed shall forthwith mail a copy of such protest to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five nor more than ten days after such notice is mailed. All hearings shall be before the officer with whom such protest is filed, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty days after such petition is filed, and the result thereof shall be forthwith certified to the person or persons representing the signers of such petition. In case the petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and may, within fifteen days thereafter, be amended and refiled as an original petition. The finding as to the sufficiency of any petition may be reviewed by any state court of general jurisdiction in the county in which such petition is filed, upon application of the person or a majority of the persons representing the signers of such petition, but such review shall be had and determined forthwith. The sufficiency, or the determination of the sufficiency, of the petition referred to in this section shall not be held, or construed, to refer to the ground or grounds assigned in such petition for the recall of the incumbent sought to be recalled from office thereby.

When such petition is sufficient, the officer with whom such recall petition was filed, shall forthwith submit said petition, together with a certificate of its sufficiency to the governor, who shall thereupon order and fix the date for holding the election not less than thirty days nor more than sixty days from the date of submission of said petition; *Provided*, if a general election is to be held within ninety days after the date of submission of said petition, the recall election shall be held as part of said general election.

SEC. 3. If such officer shall offer his resignation, it shall be accepted, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law; but the person appointed to fill such vacancy shall hold his office only until the person elected at the recall election shall qualify. If such officer shall not resign within five days after the sufficiency of the recall petition shall have been sustained, the governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election, and the same shall be conducted, returned and the result thereof declared in all respects as in the case of general elections.

On the official ballot at such election shall be printed in not more than 200 words, the reasons set forth in the petition for demanding his recall, and in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. If such officer shall resign at any time subsequent to the filing thereof, the recall election shall be called notwithstanding such resignation.

There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?" Following such question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each in which the vote shall indicate, by marking a cross (X), his vote for or against such recall.

On such ballots, under each question, there shall also be printed the name of those persons who have been nominated as candidates to succeed the person sought to be recalled; but no vote cast shall be counted for any candidate

for such office, unless the voter also voted for or against the recall of person sought to be recalled from said office. The name of the person aga whom the petition is filed shall not appear on the ballot as a candidate the office.

If a majority of those voting on said question of the recall of any inc bent from office shall vote "no" said incumbent shall continue in said of if a majority shall vote "yes" such incumbent shall thereupon be dee removed from such office upon the qualification of his successor.

If the vote had in such recall elections shall recall the officer then candidate who has received the highest number of votes for the office thei vacated shall be declared elected for the remainder of the term, and a cer cate of election shall be forthwith issued to him by the canvassing board. case the person who received the highest number of votes shall fail to qua within fifteen days after the issuance of a certificate of election, the o shall be deemed vacant, and shall be filled according to law.

Candidates for the office may be nominated by petition, as now provi by law, which petition shall be filed in the office in which petitions for n ination to office are required by law to be filed not less than fifteen days bef such recall election.

SEC. 4. No recall petition shall be circulated or filed against any offi until he has actually held his office for at least six months, save and except may be filed against any member of the state legislature at any time after days from the convening and organizing of the legislature after his election

After one recall petition and election, no further petition shall be fi against the same officer during the term for which he was elected, unless petitioners signing said petition shall equal fifty per centum of the votes c at the last preceding general election for all of the candidates for the of held by such officer as herein above defined.

If at any recall election the incumbent whose recall is sought is not called, he shall be repaid from the State treasury any money authorized law and actually expended by him as expenses of such election; and legislature shall provide appropriations for such purpose.

If the Governor is sought to be recalled under the provisions of this arti the duties herein imposed upon him shall be performed by the Lieuten Governor; and if the Secretary of State is sought to be recalled, the du herein imposed upon him shall be performed by the State Auditor.

The recall may also be exercised by the electors of each county, city county, city and town of the State, with reference to the elective offic thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such coun city and county, city and town may provide for the manner of exercising s recall powers in such counties, cities and counties, cities and towns, but sh not require any such recall petition to be signed by electors more in numb than twenty-five per centum of the entire vote cast at the last preceding el tion, as in Section 1 hereof more particularly set forth, for all the candida for office which the incumbent sought to be recalled occupies, as herein abo defined.

Every person having authority to exercise or exercising any public governmental duty, power or function, shall be an elective officer, or one pointed, drawn or designated in accordance with law by any elective offi or officers, or by some board, commission, person or persons legally appoint by an elective officer or officers, each of which said elective officers shall subject to the recall provision of this constitution; provided that, subject regulation by law, any person may, without compensation therefor, file pe tions, or complaints in courts concerning crimes, or do police duty only cases of immediate danger to person or property.

Nothing herein contained shall be construed as affecting or limiting t present or future powers of cities and counties, or cities having charte adopted under the authority given by the Constitution, except as in the la three preceding paragraphs expressed.

In the submission to the electors of any petition proposed under this Article, all officers shall be guided by the General Laws of the State, except as otherwise herein provided.

This Article is self executing, but legislation may be enacted to facilitate its operations, but in no way limiting or restricting the provisions of this Article, or the powers herein reserved.[33]

ARTICLE XXII.

INTOXICATING LIQUORS.

SECTION 1. From and after the first (1st) day of January, 1916, no person, association or corporation shall, within this state, manufacture for sale or gift any intoxicating liquors; and no person, association or corporation shall import into this state any intoxicating liquors for sale or gift; and no person, association or corporation shall, within this state, sell or keep for sale any intoxicating liquors, or offer any intoxicating liquors for sale, barter or trade: *Provided, however*, That the handling of intoxicating liquors for medicinal or sacramental purposes may be provided for by statute.

SEC. 2. All provisions of the Constitution in conflict herewith are hereby repealed.[34]

SCHEDULE.

That no inconvenience may arise by reason of the change in the form of government, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this constitution shall, so far as not inconsistent therewith, remain of the same force as if this constitution had not been adopted until they expire by their own limitation, or are altered or repealed by the general assembly; and all rights, actions, prosecutions, claims, and contracts of the Territory of Colorado, counties, individuals, or bodies-corporate (not inconsistent therewith), shall continue as if the form of government had not been changed and this constitution adopted.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the admission of the State to the Territory of Colorado, or to any county, school-district, or other municipality therein, or any officer thereof, and all fines, taxes, penalties, and forfeitures due or owing to the Territory of Colorado, or any such county, school-district, or municipality, or officer, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the change of the form of government. All indictments which shall have been found, or may hereafter be found, and all informations which shall have been filed, or may hereafter be filed, for any crime or offence committed before this constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in the constitution.

SEC. 3. That all property, real and personal, and all moneys, credits, claims, and choses in action belonging to the Territory of Colorado at the adoption of this constitution shall be vested in and become the property of the State of Colorado.

SEC. 4. The general assembly shall pass all necessary laws to carry into effect the provisions of the constitution.

SEC. 5. Whenever any two of the judges of the supreme court of the State, elected or appointed under the provisions of this constitution, shall have qualified in their office, the causes theretofore pending in the supreme court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State; and, until so superseded, the supreme court of the Territory, and the judges thereof, shall continue with like powers and jurisdiction as if this constitution had not been adopted. Whenever the judge of the district court of any district, elected or appointed

[33]The whole of Article XXI is new; it was proposed by the initiative, ratified on November 5, 1912, and became effective January 22, 1913.

[34]The whole of Article XXII is new; it was proposed by the initiative and ratified on November 3, 1914.

under the provisions of this constitution, shall have qualified in his office, the several causes theretofore pending in the district court of the Territory, within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such county, and until the district courts of the Territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

SEC. 6. The terms of office of the several judges of the supreme and district courts and the district attorneys of the several judicial districts first elected under this constitution shall commence from the day of filing their respective oaths of office in the office of the secretary of state.

SEC. 7. Until otherwise provided by law, the seals now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts respectively of the State.

SEC. 8. Whenever this constitution shall go into effect, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall pass into the jurisdiction and possession of the county court of the same county, and the said county court shall proceed to final decree or judgment, order, or other determination in the said several matters and causes as the said probate court might have done if this constitution had not been adopted. And until the election of the county judges provided for in this constitution, the probate judges shall act as judges of the county courts within their respective counties, and the seal of the probate court in each county shall be the seal of the county court therein until the said court shall have procured a proper seal.

SEC. 9. The terms "probate court" or "probate judge," whenever occurring in the statutes of Colorado Territory, shall, after the adoption of this constitution, be held to apply to the county court or county judge; and all laws specially applicable to the probate court in any county shall be construed to apply to and be in force as to the county court in the same county until repealed.

SEC. 10. All county and precinct officers who may be in office at the time of the adoption of this constitution shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified, in accordance with the provisions of this constitution, and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted.

SEC. 11. All county offices that may become vacant during the year one thousand eight hundred and seventy-six, by the expiration of the term of the persons elected to said offices, shall be filled at the general election on the first Tuesday in October, in the year one thousand eight hundred and seventy-six, and, except county commissioners, the persons so elected shall hold their respective offices for the term of one year.

SEC. 12. The provisions of this constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Colorado admitted into the Union; and the governor, secretary, treasurer, auditor, and superintendent of public instruction of the Territory of Colorado shall continue to discharge the duties of their respective offices after the admission of the State into the Union until the qualification of the officers elected or appointed under the State government; and said officers, for the time they may serve, shall receive the same compensation as the State officers shall by law be paid for like services.

SEC. 13. In case of a contest of election between candidates, at the first general election under this constitution, for judges of the supreme, district or county courts, or district attorneys, the evidence shall be taken in the manner prescribed by territorial law; and the testimony so taken shall be certified to the secretary of state, and said officer, together with the governor

d attorney-general, shall review the testimony and determine who is entitled the certificate of election.

SEC. 14. The votes at the first general election under this constitution r the several offices provided for in this constitution who are to be elected the first election shall be canvassed in the manner prescribed by the terri- rial law for canvassing votes for like officers. The votes cast for the judges the supreme and district courts and district attorneys shall be canvassed the county canvassing-board in the manner prescribed by the territorial law r canvassing the votes for members of the general assembly; and the county erk shall transmit the abstract of votes to the secretary of the Territory, ting as secretary of state, under the same regulations as are prescribed by w for sending the abstracts of votes for territorial officers; and the afore- id acting secretary of state, auditor, treasurer, or any two of them, in the esence of the governor, shall proceed to canvass the votes, under the regu- ions of sections thirty-five and thirty-six of chapter twenty-eight of the rised statutes of Colorado Territory.

SEC. 15. Senators and members of the house of representatives shall be osen by the qualified electors of the several senatorial and representative stricts, as established in this constitution, until such districts shall be nged by law, and thereafter by the qualified electors of the several districts the same shall be established by law.

SEC. 16. The votes cast for Representatives in Congress at the first elec- n held under this constitution shall be canvassed and the result determined the manner provided by the laws of the Territory for the canvass of votes Delegate in Congress.

SEC. 17. The provision of the constitution that no bill, except the general propriation bill, introduced in either house after the first twenty-five days the session, shall become a law, shall not apply to the first session of the neral assembly; but no bill, introduced in either house at the first session the general assembly after the first fifty days thereof, shall become a law.

SEC. 18. A copy of the abstracts of the votes cast at the first general ction held under this constitution shall, by the county clerks of the several unties, be returned to the secretary of the Territory immediately after the nvass of said votes in their several counties; and the secretary, auditor, d treasurer of the Territory, or any two of them, shall, on the twenty-fifth after the election, meet at the seat of government and proceed to canvass votes cast for members of the general assembly, and determine the result reof.

SEC. 19. The general assembly shall, at their first session, immediately er the organization of the two houses, and after the canvass of the votes the officers of the executive department, and before proceeding to other siness, provide, by act or joint resolution, for the appointment by said gen- l assembly of electors in the electoral college; and such joint resolution, or bill for such enactment, may be passed without being printed, or referred any committee, or read on more than one day in either house, and shall e effect immediately after the concurrence of the two houses therein; and approval of the governor thereto shall not be necessary.

SEC. 20. The general assembly shall provide that after the year one usand eight hundred and seventy-six the electors of the electoral college ll be chosen by direct vote of the people.

SEC. 21. The general assembly shall have power, at their first session, to vide for the payment of the expenses of this convention, if any there be n remaining unpaid.

SEC. 22. All recognizances, bail-bonds, official bonds, and other obliga- s or undertakings which have been, or at any time before the admission the State shall be, made or entered into and expressed to be payable to the ple of the Territory of Colorado, shall continue in full force, notwithstand- the change in the form of government; and any breach thereof, whenever urring, may, after the admission of the State, be prosecuted in the name the people of the State.

Done in convention, at the city of Denver, Colorado, this fourteenth da
of March, in the year of our Lord one thousand eight hundred and seventy-si
and of the Independence of the United States the one hundredth.

In witness whereof we have hereunto subscribed our names.

J. C. WILSON, *President.*

Attest:

W. W. COULSON, *Secretary.*
HERBERT STANLEY, *First Assistant Secretary.*
H. A. TERPENNING, *Second Assistant Secretary.*

CONSTITUTION OF CONNECTICUT—1818.*

PREAMBLE.

The people of Connecticut acknowledging with gratitude, the good provi-nce of God, in having permitted them to enjoy a free government, do, in der more effectually to define, secure, and perpetuate the liberties, rights d privileges which they have derived from their ancestors, hereby, after a reful consideration and revision, ordain and establish the following Consti-tion, and form of civil government.

ARTICLE I.

DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government y be recognized and established.

WE DECLARE,

SECTION 1. That all men when they form a social compact, are equal rights; and that no man or set of men are entitled to exclusive public oluments or privileges from the community.

SEC. 2. That all political power is inherent in the people, and all free vernments are founded on their authority, and instituted for their benefit; l that they have at all times an undeniable and indefeasible right to alter ir form of government in such a manner as they may think expedient.

SEC. 3. The exercise and enjoyment of religious profession and worship, thout discrimination, shall forever be free to all persons in this State, pro-ded that the right hereby declared and established, shall not be so con-ued as to excuse acts of licentiousness, or to justify practices inconsistent h the peace and safety of the State.

SEC. 4. No preference shall be given by law to any Christian sect or mode worship.

SEC. 5. Every citizen may freely speak, write and publish his sentiments all subjects, being responsible for the abuse of that liberty.

SEC. 6. No law shall ever be passed to curtail or restrain the liberty of ech or of the press.

SEC. 7. In all prosecutions or indictments for libels, the truth may be en in evidence, and the jury shall have the right to determine the law and facts, under the direction of the court.

SEC. 8. The people shall be secure in their persons, houses, papers and sessions from unreasonable searches or seizures; and no warrant to search place, or to seize any person or things, shall issue without describing them nearly as may be, nor without probable cause supported by oath or affirma-n.

SEC. 9. In all criminal prosecutions, the accused shall have the right to heard by himself and by counsel; to demand the nature and cause of the usation; to be confronted by the witnesses against him; to have compulsory ocess to obtain witnesses in his favour; and in all prosecutions by indict-nt or information, a speedy public trial by an impartial jury. He shall be compelled to give evidence against himself, nor be deprived of life, liberty property, but by due course of law. And no person shall be holden to swer for any crime, the punishment of which may be death or imprisonment life, unless on a presentment or indictment of a grand jury; except in

*The constitution of Connecticut was framed by a convention which met at tford on August 26, 1818, and adjourned on September 16, 1818. The constitu-was submitted to the people on October 5, 1818, and was adopted by a vote 13,918 to 12,364. It became effective on October 12, 1818. The constitution submitted as a whole, and no proposition was submitted separately.

the land or naval forces, or in the militia when in actual service in time war, or public danger.

SEC. 10. No person shall be arrested, detained or punished, except in c clearly warranted by law.

SEC. 11. The property of no person shall be taken for public use, w out just compensation therefor.

SEC. 12. All courts shall be open, and every person, for an injury d to him in his person, property or reputation, shall have remedy by due co of law, and right and justice administered without sale, denial or delay.

SEC. 13. Excessive bail shall not be required, nor excessive fines impo

SEC. 14. All prisoners shall, before conviction, be bailable by suffic sureties, except for capital offenses, where the proof is evident, or the presu tion great; and the privileges of the writ of *habeas corpus* shall not be pended, unless when in case of rebellion or invasion, the public safety require it; nor in any case, but by the legislature.

SEC. 15. No person shall be attainted of treason or felony by the leg ture.

SEC. 16. The citizens have a right, in a peaceable manner, to asse for their common good, and to apply to those invested with the power government, for redress of grievances, or other proper purposes, by petit address or remonstrance.

SEC. 17. Every citizen has a right to bear arms in defense of him and the State.

SEC. 18. The military shall, in all cases, and at all times, be in s subordination to the civil power.

SEC. 19. No soldier shall, in time of peace, be quartered in any ho without the consent of the owner; nor in time of war, but in a manner t prescribed by law.

SEC. 20. No hereditary emoluments, privileges, or honors, shall ever granted, or conferred, in this State.

SEC. 21. The right of trial by jury shall remain inviolate.

ARTICLE II.

OF THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departm and each of them confided to a separate magistracy, to wit, those which legislative, to one; those which are executive, to another; and those w are judicial, to another.

ARTICLE III.

OF THE LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in distinct houses or branches; the one to be styled THE SENATE, the other HOUSE OF REPRESENTATIVES, and both together THE GENERAL ASSEM The style of their laws shall be, *Be it enacted by the Senate and Hous Representatives in General Assembly convened.*

SEC. 2. There shall be one stated session of the General Assembly, holden in each year, alternately at Hartford and New Haven, on the Wednesday of May,[1] and at such other times as the General Assembly judge necessary; the first session to be holden at Hartford; but the p administering the office of Governour, may, on special emergencies, convene General Assembly at either of said places, at any other time. And in ca danger from the prevalence of contagious diseases, in either of said pl or other circumstances, the person administering the office of Governour by proclamation, convene said Assembly at any other place in this State

SEC. 3. The House of Representatives shall consist of electors res in towns from which they are elected. The number of Representatives each town shall be the same as at present practiced and allowed. In a new town shall hereafter be incorporated, such new town shall be entitl

[1]Altered by amendments of 1873, 1875 and 1884.

ne representative only:[2] and if such new town shall be made from one or nore towns, the town or towns from which the same shall be made, shall be ntitled to the same number of Representatives as at present allowed, unless he number shall be reduced by the consent of such town or towns.

SEC. 4. The Senate shall consist of twelve members, to be chosen annually y the electors.[3]

SEC. 5. At the meetings of the electors, held in the several towns in his State in April annually, after the election of Representatives, the electors resent shall be called upon to bring in their written ballots for Senators.[4] The residing officer shall receive the votes of the electors, and count and declare hem in open meeting. The presiding officer shall also make duplicate lists of he persons voted for, and of the number of votes for each, which shall e certified by the presiding officer; one of which lists shall be delivered to he Town Clerk, and the other within ten days after said meeting, shall be elivered under seal, either to the Secretary, or to the sheriff of the county n which said town is situated; which list shall be directed to the Secretary, vith a superscription expressing the purport of the contents thereof; and each heriff, who shall receive such votes, shall, within fifteen days after said neeting, deliver, or cause them to be delivered, to the Secretary.

SEC. 6. The Treasurer, Secretary, and Controller, for the time being, hall canvass the votes publicly. The twelve persons having the greatest num- er of votes for Senators, shall be declared to be elected.[5] But in cases where o choice is made by the electors in consequence of an equality of votes, the louse of Representatives shall designate, by ballot, which of the candidates aving such equal number of votes, shall be declared to be elected. The return f votes, and the result of the canvass, shall be submitted to the House of epresentatives, and also to the Senate, on the first day of the session of the eneral Assembly; and each house shall be the final judge of the election eturns and qualifications of its own members.

SEC. 7. The House of Representatives, when assembled, shall choose a peaker, clerk and other officers. The Senate shall choose its clerk, and other ficers, except the President. A majority of each house shall constitute a iorum to do business; but a smaller number may adjourn from day to day, nd compel the attendance of absent members in such manner, and under such enalties, as each house may prescribe.

SEC. 8. Each house shall determine the rules of its own proceedings, pun- h members for disorderly conduct, and, with the consent of two-thirds, expel member, but not a second time for the same cause; and shall have all other owers necessary for a branch of the legislature of a free and independent tate.

SEC. 9. Each house shall keep a journal of its proceedings, and publish e same, when required by one-fifth of its members, except such parts as, in e judgment of a majority, require secrecy. The yeas and nays of the mem- rs of either house shall, at the desire of one-fifth of those present, be tered on the journals.

SEC. 10. The Senators and Representatives shall, in all cases of civil rocess, be privileged from arrest, during the session of the General Assem- y, and for four days before the commencement, and after the termination f any session thereof. And for any speech or debate in either house, they hall not be questioned in any other place.

SEC. 11. The debates of each house shall be public, except on such occa- ons as, in the opinion of the house, may require secrecy.

[2]Altered by amendments of 1836, 1874 and 1876.
[3]Altered by amendments of 1828, 1836, 1875 and 1901
[4]Altered by amendments of 1828, 1875, 1901 and 1905.
[5]Altered by amendments of 1836, 1875, 1884 and 1905.

ARTICLE IV.

OF THE EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of the State shall be vested in a Governor, who shall be chosen by the electors of the State, and shall hold his office for one year from the first Wednesday of May[6] next succeeding his election, and until his successor be duly qualified. No person, who is not an elector of this State, and who has not arrived at the age of thirty years, shall be eligible.

SEC. 2. At the meetings of the electors in the respective towns, in the month of April in each year,[7] immediately after the election of Senators, the presiding officers shall call upon the electors to bring in their ballots[8] for him whom they would elect to be Governour, with his name fairly written. When such ballots shall have been received and counted in the presence of the electors, duplicate lists of the persons voted for, and of the number of votes given for each, shall be made and certified by the presiding officer, one of which lists shall be deposited in the office of the Town Clerk within three days, and the other, within ten days after said election, shall be transmitted to the Secretary, or to the sheriff of the county, in which such election shall have been held. The sheriff receiving said votes shall deliver, or cause them to be delivered to the Secretary, within fifteen days next after said election. The votes so returned shall be counted by the Treasurer, Secretary, and Controller within the month of April. A fair list of the persons and number of votes given for each, together with the returns of the presiding officers, shall be by the Treasurer, Secretary, and Controller, made and laid before the General Assembly, then next to be holden, on the first day of the session thereof; and said Assembly shall, after examination of the same, declare the person who they shall find to be legally chosen, and give him notice accordingly. If no person shall have a majority of the whole number of said votes,[9] or if two or more shall have an equal and the greatest number of said votes, then said Assembly, on the second day of their session, by joint ballot of both houses, shall proceed, without debate, to choose a Governour, from a list of the names of the two persons having the greatest number of votes, or of the names of the persons having an equal and highest number of votes so returned as aforesaid. The General Assembly shall by law prescribe the manner in which all questions concerning the election of a Governour, or Lieutenant-Governour, shall be determined.

SEC. 3. At the annual meetings of the electors, immediately after the election of Governour, there shall also be chosen in the same manner as hereinbefore provided for the election of Governour, a Lieutenant-Governour, who shall continue in office for the same time, and possess the same qualifications.

SEC. 4. The compensation of the Governour, Lieutenant-Governour, Senators and Representatives, shall be established by law, and shall not be varied so as to take effect until after an election, which shall next succeed the passage of the law establishing said compensations.

SEC. 5. The Governour shall be Captain-General of the militia of the State, except when called into the service of the United States.

SEC. 6. He may require information in writing from the officers in the executive department, on any subject relating to the duties of their respective offices.

SEC. 7. The Governour, in case of a disagreement between the two houses of the General Assembly, respecting the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the day of the next stated session.

SEC. 8. He shall, from time to time, give to the General Assembly in

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[6] Made to apply to biennial elections by amendment of 1875.
[7] Made to apply to biennial elections by amendment of 1876.
[8] Altered by amendment of 1905.
[9] Altered by amendment of 1901.
[10] Altered by amendment of 1875 and 1884.

nation of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

SEC. 9. He shall take care that the laws be faithfully executed.

SEC. 10. The Governour shall have power to grant reprieves after convictions, in all cases except those of impeachment, until the end of the next session of the General Assembly, and no longer.

SEC. 11. All commissions shall be in the name and by authority of the State of Connecticut; shall be sealed with the State seal, signed by the Governour, and attested by the Secretary.

SEC. 12. Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governour. If he approves, he shall sign and transmit it to the Secretary, but if not, he shall return it to the house in which it originated, with his objections, which shall be entered on the journals of the house; who shall proceed to reconsider the bill. If after such reconsideration, that house shall again pass it, it shall be sent, with the objections, to the other house, which shall also reconsider it. If approved, it shall become a law. But in such cases the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill, shall be entered on the journals of each house respectively. If the bill shall not be returned by the Governour within three days, Sundays excepted, after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevents its return, in which case it shall not be a law.

SEC. 13. The Lieutenant-Governour shall, by virtue of his office, be President of the Senate, and have, when in Committee of the Whole, a right to debate, and when the Senate is equally divided, to give the casting vote.

SEC. 14. In case of the death, resignation, refusal to serve, or removal from office of the Governour,[11] or of his impeachment or absence from the State, the Lieutenant-Governour shall exercise the powers and authority appertaining to the office of Governour, until another be chosen at the next periodical election for Governour, and be duly qualified; or until the Governour, impeached or absent, shall be acquitted or return.

SEC. 15. When the government shall be administered by the Lieutenant-Governour, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their members, as President *pro tempore*. And if during the vacancy of the office of Governour, the Lieutenant-Governour shall die, resign, refuse to serve, or be removed from office, or if he shall be impeached, or absent from the State, the President of the Senate *pro tempore* shall, in like manner, administer the government, until he be superseded by a Governour or Lieutenant-Governour.

SEC. 16. If the Lieutenant-Governour shall be required to administer the Government, and shall, while in such administration, die or resign during the recess of the General Assembly, it shall be the duty of the Secretary, for the time being, to convene the Senate for the purpose of choosing a President *pro tempore*.

SEC. 17. A Treasurer shall annually be chosen, by the electors, at their meeting in April;[12] and the votes shall be returned, counted, canvassed, and declared, in the same manner as is provided for the election of Governour and Lieutenant-Governour; but the votes for Treasurer shall be canvassed by the Secretary and Controller only. He shall receive all moneys belonging to the State, and disburse the same only as he may be directed by law. He shall pay no warrant or order for the disbursement of public money, until the same has been registered in the office of the Controller.

SEC. 18. A Secretary shall be chosen next after the Treasurer, and in the same manner;[12] and the votes for Secretary shall be returned to, and counted, canvassed and declared by the Treasurer and Controller. He shall have the safe keeping and custody of the public records and documents, and

[11] Altered by amendment of 1911.
[12] Altered by amendments of 1836 and 1875.

particularly of the acts, resolutions and orders of the General Assembly, and record the same; and perform all such duties as shall be prescribed by law. He shall be the keeper of the seal of the State, which shall not be altered.

SEC. 19. A Controller of the public accounts shall be annually appointed by the General Assembly.[12] He shall adjust and settle all public accounts and demands, except grants and orders of the General Assembly. He shall prescribe the mode of keeping and rendering all public accounts. He shall *ex officio* be one of the auditors of the accounts of the Treasurer. The General Assembly may assign to him other duties in relation to his office, and to that of the Treasurer, and shall prescribe the manner in which his duties shall be performed.

SEC. 20. A sheriff shall be appointed in each county by the General Assembly,[13] who shall hold his office for three years,[14] removable by said Assembly, and shall become bound, with sufficient sureties, to the Treasurer of the State, for the faithful discharge of the duties of his office, in such manner as shall be prescribed by law. In case the sheriff of any county shall die or resign, the Governour may fill the vacancy occasioned thereby, until the same shall be filled by the General Assembly.

SEC. 21. A statement of all receipts, payments, funds, and debts of the State, shall be published from time to time, in such manner and at such periods as shall be prescribed by law.

ARTICLE V.

OF THE JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a Supreme Court of Errors, a Superiour Court, and such inferiour courts as the General Assembly shall, from time to time, ordain and establish; the powers and jurisdiction of which courts shall be defined by law.

SEC. 2. There shall be appointed[15] in each county a sufficient number of justices of the peace, with such jurisdiction in civil and criminal cases as the General Assembly may prescribe.

SEC. 3. The Judges of the Supreme Court of Errors, of the Superiour and inferiour courts, and all justices of the peace shall be appointed by the General Assembly, in such manner as shall by law be prescribed.[16] The Judges of the Supreme Court, and of the Superiour Court shall hold their offices during good behaviour;[16] but may be removed by impeachment; and the Governour shall also remove them on the address of two-thirds of the members of each House of the General Assembly; all other judges and justices of the peace shall be appointed annually.[16] No judge or justice of the peace shall be capable of holding his office after he shall arrive at the age of seventy years.

ARTICLE VI.

OF THE QUALIFICATIONS OF ELECTORS.

SECTION 1. All persons who have been, or shall hereafter, previous to the ratification of this Constitution, be admitted freemen, according to the existing laws of this State, shall be electors.

SEC. 2. Every white[17] male citizen of the United States, who shall have gained a settlement in this State, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding; and have a freehold estate of the yearly value of seven dollars in this State; or having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission,[17] or being liable thereto shall have been, by authority of law, excused therefrom; or shall have paid a State tax within the year next preceding the time he shall

[13]Altered by amendments of 1838 and 1886.
[14]Altered by amendment of 1886.
[15]Altered by amendment of 1850.
[16]Altered by amendments of 1850, 1856, 1876 and 1880.
[17]Altered by amendments of 1845, 1855, 1876 and 1897.

present himself for such admission; and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.[17]

SEC. 3. The privileges of an elector shall be forfeited by a conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offence for which an infamous punishment is inflicted.[18]

SEC. 4. Every elector shall be eligible to any office in this State, except in cases provided for in this Constitution.

SEC. 5. The selectmen and town clerk of the several towns, shall decide on the qualifications of electors, at such times, and in such manner, as may be prescribed by law.

SEC. 6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult and other improper conduct.

SEC. 7. In all elections of officers of the State, or members of the General Assembly, the votes of the electors shall be by ballot.[19]

SEC. 8. At all elections of officers of the State, or members of the General Assembly, the electors shall be privileged from arrest, during their attendance upon, and going to, and returning from the same, on any civil process.

SEC. 9. The meetings of the electors for the election of the several State officers by law annually to be elected, and members of the General Assembly of this State, shall be holden on the first Monday of April in each year.[20]

ARTICLE VII.

OF RELIGION.

SECTION 1. It being the duty of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and their right to render that worship, in the mode most consistent with the dictates of their consciences; no person shall by law be compelled to join or support, nor be classed with, or associated to, any congregation, church or religious association. But every person now belonging to such congregation, church, or religious association shall remain a member thereof until he shall have separated himself therefrom, in the manner hereinafter provided. And each and every society or denomination of Christians in this State, shall have and enjoy the same and equal powers, rights and privileges; and shall have power and authority to support and maintain the ministers or teachers of their respective denominations, and to build and repair houses for public worship, by a tax on the members of any such society only, to be laid by a major vote of the legal voters assembled at any society meeting, warned and held according to law, or in any other manner.

SEC. 2. If any person shall choose to separate himself from the society or denomination of Christians to which he may belong, and shall leave a written notice thereof with the clerk of such society, he shall thereupon be no longer liable for any future expenses which may be incurred by said society.

ARTICLE VIII.

OF EDUCATION.

SECTION 1. The charter of Yale College, as modified by agreement with the corporation thereof, in pursuance of an Act of the General Assembly, passed in May, 1792, is hereby confirmed.

SEC. 2. The fund, called the School Fund shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public, or common schools throughout the State, and for the equal benefit of all the people thereof. The value and amount of said fund shall, as soon as practicable, be ascertained in such manner as the General Assembly may prescribe, published, and recorded in the Controller's office;

[17] May be restored, amendment Art. xvii.
[18] Altered by amendment of 1905.
[19] Altered by amendments of 1875 and 1884.

and no law shall ever be made, authorizing said fund to be diverted to any other use than the encouragement and support of public, or common schools, among the several school societies, as justice and equity shall require.

ARTICLE IX.

OF IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present. When the Governour is impeached, the Chief Justice shall preside.

SEC. 3. The Governour, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust or profit under this State. The party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law.

SEC. 4. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

ARTICLE X.

GENERAL PROVISIONS.

SECTION 1. Members of the General Assembly, and all officers, executive and judicial, shall, before they enter on the duties of their respective offices, take the following oath or affirmation, to wit:

You do solemnly swear, or affirm, (as the case may be), that you will support the Constitution of the United States, and the Constitution of the State of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office of ———— to the best of your abilities. So help you God.

SEC. 2. Each town shall annually[21] elect selectmen, and such officers of local police, as the laws may prescribe.

SEC. 3. The rights and duties of all corporations shall remain as if this Constitution had not been adopted; with the exception of such regulations and restrictions as are contained in this Constitution. All judicial and civil officers now in office, who have been appointed by the General Assembly, and commissioned according to law, and all such officers as shall be appointed by the said Assembly, and commissioned as aforesaid, before the first Wednesday of May next, shall continue to hold their office until the first day of June next, unless they shall before that time resign, or be removed from office according to law. The Treasurer and Secretary shall continue in office until a Treasurer and Secretary shall be appointed under this Constitution. All military officers shall continue to hold and exercise their respective offices, until they shall resign, or be removed according to law. All laws not contrary to, or inconsistent with, the provisions of this Constitution, shall remain in force, until they shall expire by their own limitation, or shall be altered or repealed by the General Assembly, in pursuance of this Constitution. The validity of all bonds, debts, contracts, as well of individuals as of bodies corporate or the State, of all suits, actions, or rights of action, both in law and equity, shall continue as if no change had taken place. The Governor, Lieutenant-Governor, and General Assembly, which is to be formed in October next, shall have, and possess, all the powers and authorities, not repugnant to, or inconsistent with this Constitution, which they now have and possess, until the first Wednesday of May next.

[21] Altered by amendment of 1905.

SEC. 4. No judge of the Superiour Court, or of the Supreme Court of Errors; no member of Congress; no person holding any office under the authority of the United States; no person holding the office of Treasurer, Secretary, or Controller; no sheriff or sheriff's deputy, shall be a member of the General Assembly.

ARTICLE XI.

OF AMENDMENTS TO THE CONSTITUTION.

When a majority of the House of Representatives shall deem it necessary to alter, or amend this Constitution, they may propose such alteration and amendments; which proposed amendments shall be continued to the next General Assembly, and be published with the laws which may have been passed at the same session; and if two-thirds of each House, at the next session of said Assembly, shall approve the amendments proposed, by yeas and nays, said amendments shall, by the Secretary, be transmitted to the town clerk in each town in the State; whose duty it shall be to present the same to the inhabitants thereof, for their consideration, at a town meeting, legally warned and held for that purpose; and if it shall appear in a manner to be provided by law, that a majority of the electors present at such meetings, shall have approved such amendments, the same shall be valid, to all intents and purposes, as a part of this Constitution.

Done in Convention on the fifteenth day of September, in the year of our Lord one thousand eight hundred and eighteen, and of the Independence of the United States the forty-third.

By order of the Convention.

OLIV. WOLCOTT, *President.*

JAMES LANMAN,
ROBERT FAIRCHILD, *Clerks.*

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

(ADOPTED NOVEMBER, 1828.)

From and after the first Wednesday of May, in the year of our Lord one thousand eight hundred and thirty, the Senate of this State shall consist of not less than eighteen nor more than twenty-four members[1] and be chosen by districts.

ARTICLE II.

(ADOPTED NOVEMBER, 1828.)

The General Assembly, which shall be holden on the first Wednesday of May, in the year one thousand eight hundred and twenty-nine, shall divide the State into districts for the choice of Senators, and shall determine what number shall be elected in each, which district shall not be less than eight, nor more than twenty-four[1] in number, and shall always be composed of contiguous territory, and in forming them, no town shall be divided, nor shall the whole or part of one county be joined to the whole or part of another county, to form a district; regard being had to the population in said apportionment and in forming said districts, in such manner that no county shall have less than two senators. The districts, when established, shall continue the same until the session of the General Assembly next after the completion of the next census of the United States; which said Assembly shall have power to alter the same, if found necessary, to preserve a proper equality between said districts, in respect to the number of inhabitants therein, according to the principles above recited; after which, said districts shall not be altered, nor the number of Senators altered, except at any session of the General Assembly next after the completion of a census of the United States, and then only according to the principles above prescribed.

[1]Altered by amendment of 1901.

ARTICLE III.

(ADOPTED NOVEMBER, 1828.)

At the meeting of the electors on the first Monday of April, in the year one thousand eight hundred and thirty, and annually thereafter, immediately after the choice of Representatives, the electors qualified by law to vote in the choice of such Representatives, shall be called upon, by the presiding officer in such meeting, in the several towns within their districts, respectively, to bring in their ballots for such person or number of persons to be Senator or Senators for such districts in the next General Assembly, as shall, by law be allowed to such districts respectively,[2] which person or persons, at the time of holding such meeting, shall belong to and reside in the respective districts in which they shall be so balloted for as aforesaid: And each elector present at such meeting, qualified as aforesaid, may thereupon bring in his ballot or suffrage for such person or persons as he shall choose to be Senators for such district, not exceeding the number by law allowed to the same, with the name or names of such person or persons, fairly written on one piece of paper.[3] And the votes so given in, shall be received, counted, canvassed and declared, in the same manner now provided by the Constitution, for the choice of Senators. The person or persons, not exceeding the number by law allowed to the districts in which such votes shall be given in, having the highest number of votes, shall be declared to be duly elected for such districts: But in the event of an equality of votes between two or more of the persons so voted for, the House of Representatives shall, in the manner provided for by the Constitution, designate which of such person or persons shall be declared to be duly elected.

ARTICLE IV.

(ADOPTED NOVEMBER, 1832.)

There shall annually[3] be chosen and appointed a Lieutenant-Governor, a Treasurer, and Secretary, in the same manner as is provided in the second section of the fourth article of the Constitution of this State, for the choice and appointment of a Governor.

ARTICLE V.

(ADOPTED NOVEMBER, 1836.)

A Comptroller of Public Accounts shall be annually[3] chosen by the electors, at their meeting in April, and in the same manner as the Treasurer and Secretary are chosen, and the votes for Comptroller shall be returned to, and counted, canvassed, and declared by the Treasurer and Secretary.

ARTICLE VI.

(ADOPTED NOVEMBER, 1836.)

The electors in the respective towns, on the first Monday of April[4] in each year may vote for Governor, Lieutenant-Governor, Treasurer, Secretary, Senators, and Representatives in the General Assembly successively, or for any number of said officers at the same time, and the General Assembly shall have power to enact laws regulating and prescribing the order and manner of voting for said officers, and also providing for the election of Representatives at some time subsequent to the first Monday of April in all cases when it shall so happen that the electors in any town shall fail on that day to elect the Representative or Representatives to which such town shall be by law entitled. Provided, that in all elections of officers of the State, or members of the General Assembly, the votes of the electors shall be by ballot,[5] either written or printed.

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[2]Altered by amendments of 1836 and 1884.
[3]Altered by amendments of 1875, 1884 and 1905.
[4]Altered by amendments of 1875 and 1884.
[5]Altered by amendment of 1905.

ARTICLE VII.

(ADOPTED OCTOBER, 1838.)

A sheriff shall be appointed in each county, by the electors therein, in such manner as shall be prescribed by law, who shall hold his office for three years,[6] removable by the General Assembly, and shall become bound with sufficient sureties to the Treasurer of the State, for the faithful discharge of the duties of his office.

ARTICLE VIII.

(ADOPTED OCTOBER, 1845.)

Every white[7] male citizen of the United States, who shall have attained the age of twenty-one years, who shall have resided in this State for a term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least six months next preceding the time he may so offer himself,[8] and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

ARTICLE IX.

(ADOPTED OCTOBER, 1850.)

The Judges of Probate shall be appointed[9] by the electors residing in the several probate districts, and qualified to vote for Representatives therein, in such manner as shall be prescribed by law.

ARTICLE X.

(ADOPTED OCTOBER, 1850.)

The Justices of the Peace for the several towns in this State, shall be appointed by the electors in such towns; and the time and manner of their election, the number for each town, and the period for which they shall hold their offices, shall be prescribed by law.

ARTICLE XI.

(ADOPTED OCTOBER, 1855.)

Every person shall be able to read any article of the Constitution or any section of the Statutes of this State before being admitted an elector.[10]

ARTICLE XII.

(ADOPTED OCTOBER, 1856.)

The Judges of the Supreme Court of Errors, and of the Superior Court, appointed in the year 1855, and thereafter, shall hold their offices for the term of eight years, but may be removed by impeachment; and the Governor shall also remove them on the address of two-thirds of each house of the General Assembly. No Judge of the Supreme Court of Errors or of the Superior Court shall be capable of holding office after he shall arrive at the age of seventy years.

ARTICLE XIII.*

(ADOPTED AUGUST, 1864.)

[Every elector of this State, who shall be in the military service of the United States, either as a drafted person or volunteer, during the present rebellion, shall, when absent from this State because of such service, have the same right to vote in any election of State officers, Representatives in Congress, and electors of President and Vice-President of the United States, as he would have if present, at the time appointed for such election, in the town in

[6] Altered by amendment of 1886.
[7] Altered by amendments of 1855, 1876 and 1897.
[8] Altered by amendments of 1855 and 1897.
[9] Altered by amendment of 1876.
[10] Altered by amendments of 1876 and 1897.
* Now inoperative.

which he resided at the time of his enlistment into such service. This provision shall, in no case, extend to persons in the regular army of the United States, and shall cease and become inoperative and void, upon the termination of the present war.

The General Assembly shall prescribe, by law, in what manner and at what time, the votes of electors absent from this State, in the military service of the United States, shall be received, counted, returned and canvassed.]

ARTICLE XIV.

(ADOPTED OCTOBER, 1873.)

All annual and special sessions of the General Assembly shall, on and after the first Wednesday of May, A. D. 1875, be held at Hartford; but the person administering the office of Governor may, in case of special emergency, convene said Assembly at any other place in this State.

ARTICLE XV.

(ADOPTED OCTOBER, 1874.)

The House of Representatives shall consist of electors residing in towns from which they are elected. Every town which now contains, or hereafter shall contain a population of five thousand, shall be entitled to send two representatives, and every other one shall be entitled to its present representation in the General Assembly. The population of each town shall be determined by the enumeration made under the authority of the census of the United States next before the election of Representatives is held.

ARTICLE XVI.

(ADOPTED OCTOBER, 1875.)

SECTION 1. A general election for Governor, Lieutenant-Governor, Secretary of State, Treasurer, Comptroller, and members of the General Assembly shall be held on the Tuesday after the first Monday of November, 1876, and annually thereafter, for such officers as are herein and may be hereafter prescribed[11]

SEC. 2. The State officers above named and the Senators from those districts having even numbers elected on the Tuesday after the first Monday of November, 1876, and those elected biennially thereafter on the Tuesday after the first Monday of November, shall respectively hold their offices for two years from and after the Wednesday following the first Monday of the next succeeding January. The Senators from those districts having odd numbers elected on the Tuesday after the first Monday of November, 1876, shall hold their offices for one year from and after the Wednesday following the first Monday of January, 1877; the electors residing in the senatorial districts having odd numbers shall, on the Tuesday after the first Monday of November, 1877, and biennially thereafter, elect Senators who shall hold their offices for two years from and after the Wednesday following the first Monday of the next succeeding January. The Representatives elected from the several towns on the Tuesday after the first Monday of November, 1876, and those elected annually thereafter, shall hold their offices for one year from and after the Wednesday following the first Monday of the next succeeding January.[12]

SEC. 3. There shall be a stated session of the General Assembly in Hartford on the Wednesday after the first Monday of January, 1877, and annually thereafter on the Wednesday after the first Monday of January.

SEC. 4. The persons who shall be severally elected to the State offices and General Assembly on the first Monday of April, 1876, shall hold such offices only until the Wednesday after the first Monday of January, 1877.

[11] Altered by amendment of 1884.
[12] Altered by amendment of 1884.

SEC. 5. The General Assembly elected in April, 1876, shall have power to pass such laws as may be necessary to carry into effect the provisions of this amendment.

ARTICLE XVII.

(ADOPTED OCTOBER, 1875.)

The General Assembly shall have power, by a vote of two-thirds of the members of both branches, to restore the privileges of an elector to those who may have forfeited the same by a conviction of crime.

ARTICLE XVIII.

(ADOPTED OCTOBER, 1876.)

In case a new town shall hereafter be incorporated, such new town shall not be entitled to a Representative in the General Assembly unless it has at least twenty-five hundred inhabitants, and unless the town from which the major portion of its territory is taken has also at least twenty-five hundred inhabitants; but until such towns shall each have at least twenty-five hundred inhabitants, such new town shall, for the purpose of representation in the General Assembly, be attached to, and be deemed to be a part of, the town from which the major portion of its territory is taken, and it shall be an election district of such town for the purpose of representation in the House of Representatives.

ARTICLE XIX.

(ADOPTED OCTOBER, 1876.)

The provisions of Section 2, Article IV of the Constitution, and of the amendments thereto, shall apply, *mutatis mutandis*, to all elections held on the Tuesday after the first Monday of November, 1876, and annually thereafter.

ARTICLE XX.

(ADOPTED OCTOBER, 1876.)

Judges of the Courts of Common Pleas, and of the District Courts, shall be appointed for terms of four years. Judges of the City Courts and Police Courts shall be appointed for terms of two years.

ARTICLE XXI.

(ADOPTED OCTOBER, 1876.)

Judges of Probate shall be elected by the electors residing in their respective districts on the Tuesday after the first Monday of November, 1876, and biennially thereafter. Those persons elected Judges of Probate on the Tuesday after the first Monday of November, 1876, and those elected biennially thereafter, shall hold their offices for two years from and after the Wednesday after the first Monday of the next succeeding January. Those persons elected Judges of Probate on the first Monday of April, 1876, shall hold their offices only until the Wednesday after the first Monday of January, 1877.

ARTICLE XXII.

(ADOPTED OCTOBER, 1876.)

The compensation of members of the General Assembly shall not exceed three hundred dollars per annum, and one mileage each way for each session, at the rate of twenty-five cents per mile.[13]

ARTICLE XXIII.

(ADOPTED OCTOBER, 1876.)

That Article VIII of the amendments to the Constitution be amended by erasing the word "white" from the first line.

[13]Altered by amendments of 1884 and 1915.

ARTICLE XXIV.

(ADOPTED OCTOBER, 1877.)

Neither the General Assembly, nor any County, City, Borough, Town c School District, shall have power to pay or grant any extra compensation t any public officer, employee, agent, or servant, or increase the compensatio of any public officer or employee, to take effect during the continuance i office of any person whose salary might be increased thereby, or increase th pay or compensation of any public contractor above the amount specified i the contract.

ARTICLE XXV.

(ADOPTED OCTOBER, 1877.)

No County, City, Town, Borough, or other municipality, shall ever sul scribe to the capital stock of any railroad corporation, or become a purchas of the bonds, or make donation to, or loan its credit, directly or indirectly, i aid of any such corporation; but nothing herein contained shall affect th validity of any bonds or debts incurred under existing laws, nor be construe to prohibit the General Assembly from authorizing any Town or City to pr tect by additional appropriations of money or credit any railroad debt co tracted prior to the adoption of this amendment.

ARTICLE XXVI.

(ADOPTED OCTOBER, 1880.)

The Judges of the Supreme Court of Errors and of the Superior Cou shall, upon nomination of the Governor, be appointed by the General Assemb in such manner as shall by law be prescribed.

ARTICLE XXVII.

(ADOPTED OCTOBER, 1884.)

SECTION 1. A general election for Governor, Lieutenant-Governor, Secr tary, Treasurer, Comptroller, and members of the General Assembly shall held on the Tuesday after the first Monday of November, 1886, and biennial thereafter, for such officers as are herein and may be hereafter prescribe

SEC. 2. The State officers above named, and members of the Gener Assembly elected on the Tuesday after the first Monday of November, 18 and those elected biennially thereafter, on the Tuesday after the first Mond of November, shall hold their respective offices from the Wednesday follo ing the first Monday of the next succeeding January until the Wednesd after the first Monday of the third succeeding January, and until their s cessors are duly qualified.

SEC. 3. The compensation of members of the General Assembly sh not exceed three hundred dollars for the term for which they are elect and one mileage each way for the regular session at the rate of twenty-f cents per mile; they shall also receive one mileage at the same rate for tending any extra session called by the Governor.[14]

SEC. 4. The regular sessions of the General Assembly shall commence the Wednesday following the first Monday of the January next succeeding election of its members.

SEC. 5. The Senators elected on the Tuesday after the first Monday November, 1885, shall hold their offices only until the Wednesday after first Monday of January, 1887.

ARTICLE XXVIII.

(ADOPTED OCTOBER, 1886.)

Sheriffs shall be elected in the several counties on the Tuesday after first Monday of November, 1886, and quadrennially thereafter for the term four years, commencing on the first day of June following their election.

[14]Altered by Amendment of 1915.

ARTICLE XXIX.

(ADOPTED OCTOBER, 1897.)

Every person shall be able to read in the English language any article of he Constitution or any section of the Statutes of this State before being dmitted an elector.

ARTICLE XXX.

(ADOPTED OCTOBER, 1901.)

In the election for Governor, Lieutenant-Governor, Secretary, Treasurer, omptroller, and Attorney-General, the person found by the General Assembly, n the manner provided in the fourth article of the Constitution of this State, o have received the greatest number of votes for each of said offices respecvely, shall be declared by said Assembly to be elected. But if two or more ersons shall be found to have an equal and the greatest number of votes or any of said offices, then the General Assembly, on the second day of its ession, by joint ballot of both houses, shall proceed without debate to choose aid officer from a list of the names of the persons found to have an equal nd greatest number of votes for said office.

ARTICLE XXXI.

(ADOPTED OCTOBER, 1901.)

SECTION 1. From and after the Wednesday after the first Monday of anuary, 1905, the Senate shall be composed of not less than twenty-four and ot more than thirty-six members, who shall be elected at the electors' meetngs held biennially on the Tuesday after the first Monday in November.

SEC. 2. The General Assembly which shall be held on the Wednesday fter the first Monday of January, 1903, shall divide the State into senatorial istricts, as hereinafter provided; the number of such districts shall not be ss than twenty-four nor more than thirty-six, and each district shall elect nly one Senator. The districts shall always be composed of contiguous terriory, and in forming them regard shall be had to population in the several istricts, that the same may be as nearly equal as possible under the limitaons of this amendment. Neither the whole or a part of one county shall e joined to the whole or a part of another county to form a district, and o town shall be divided, unless for the purpose of forming more than one istrict wholly within such town, and each county shall have at least one enator. The districts, when established as hereinafter provided, shall connue the same until the session of the General Assembly next after the cometion of the next census of the United States, which General Assembly shall ave power to alter the same, if found necessary to preserve a proper equality population in each district, but only in accordance with the principles above ecited; after which said districts shall not be altered, nor the number of enators altered, except at a session of the General Assembly next after the ompletion of a census of the United States, and then only in accordance with he principles hereinbefore provided.

ARTICLE XXXII.

(ADOPTED OCTOBER, 1905.)

Each town shall, annually, or biennially, as the electors of the town may etermine, elect selectmen and such officers of local police as the laws may rescribe.

ARTICLE XXXIII.

(ADOPTED OCTOBER, 1905.)

Voting machines or other mechanical devices for voting may be used in all lections in this state, under such regulations as may be prescribed by law; rovided, however, that the right of secret voting shall be preserved.

ARTICLE XXXIV.

(ADOPTED 1911-1912.)

In case of the death, resignation, refusal to serve, inability to perfor the powers and duties of his office, or removal from office of the Governo or of his impeachment, or absence from the state, the Lieutenant-Governor sha exercise the powers and authority appertaining to the office of Governor, unt another be chosen at the next periodical election for Governor, and be dul qualified; or until the disability be removed, or until the Governor, impeache or absent, shall be acquitted or return.

ARTICLE XXXV.

(ADOPTED 1911-1912.)

The general assembly shall adjourn *sine die* not later than the fir Wednesday after the first Monday in June following the organization.

ARTICLE XXXVI.

(ADOPTED 1915.)

That portion of section three of article twenty-seven of the amendmen to the constitution which relates to mileage of members of the general asse bly is hereby amended to read as follows: and in addition to such compens tion, the general assembly may provide by law for the transportation of ea member by public conveyance by the most convenient route between his hon station and the place of meeting during the session or sessions of the gener assembly to which he is elected.

CONSTITUTION OF DELAWARE—1897.*

We, the People, hereby ordain and establish this Constitution of government for the state of Delaware:

PREAMBLE.

Through Divine goodness, all men have by nature, the rights of worshiping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and in general of attaining objects suitable to their condition, without injury by one to another; and as these rights are essential to their welfare, for due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is derived from the people, and established with their consent, to advance their happiness; and they may for this end, as circumstances require, from time to time, alter their institution of government.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. Although it is the duty of all men frequently to assemble together for the public worship of Almighty God; and piety and morality, on which the prosperity of communities depends, are hereby promoted; yet no man shall or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent; and no power shall or ought to be vested in or assumed by any magistrate that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship, nor a preference given by law to any religious societies, denominations, or modes of worship.

SEC. 2. No religious test shall be required as a qualification to any office, or public trust, under this State.

SEC. 3. All elections shall be free and equal.

SEC. 4. Trial by jury shall be as heretofore.

SEC. 5. The press shall be free to every citizen who undertakes to examine the official conduct of men acting in a public capacity; and any citizen may write on any subject, being responsible for the abuse of that liberty. In prosecutions for publications, investigating the proceedings of officers, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels the jury may determine the facts and the law, as in other cases.

SEC. 6. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.

SEC. 7. In all criminal prosecutions, the accused hath a right to be heard by himself and his counsel, to be plainly and fully informed of the nature and cause of the accusation against him, to meet the witnesses in their examination face to face, to have compulsory process in due time, on application by himself, his friends or counsel, for obtaining witnesses in his favor, and a speedy and public trial by an impartial jury; he shall not be compelled to give evidence

*The constitution of Delaware was adopted by a convention which met at Dover December 1, 1896, and adjourned on June 4, 1897. The constitution became effective on June 10, 1897. It was not submitted to the voters, but was promulgated by the convention.

against himself, nor shall he be deprived of life, liberty or property, unless the judgment of his peers or by the law of the land.

SEC. 8. No person shall for any indictable offense be proceeded again criminally by information, except in cases arising in the land or naval forc or in the militia when in actual service in time of war or public danger; a no person shall be for the same offense twice put in jeopardy of life or lim nor shall any man's property be taken or applied to public use without the c sent of his representatives, and without compensation being made.

SEC. 9. All courts shall be open; and every man for an injury done h in his reputation, person, movable or immovable possessions, shall have reme by the due course of law, and justice administered according to the very rig of the cause and the law of the land, without sale, denial, or unreasonable del or expense; and every action shall be tried in the county in which it shall commenced, unless when the judges of the court in which the cause is to tried shall determine that an impartial trial thereof cannot be had in t county. Suits may be brought against the State, according to such regulati as shall be made by law.

SEC. 10. No power of suspending laws shall be exercised but by author of the General Assembly.

SEC. 11. Excessive bail shall not be required, nor excessive fines impos nor cruel punishments inflicted; and in the construction of jails a proper reg shall be had to the health of prisoners.

SEC. 12. All prisoners shall be bailable by sufficient sureties, unless capital offences when the proof is positive or the presumption great; and wh persons are confined on accusation for such offences their friends and coun may at proper seasons have access to them.

SEC. 13. The privilege of the writ of habeas corpus shall not be suspend unless when in cases of rebellion or invasion the public safety may require it

SEC. 14. No commission of oyer and terminer, or jail delivery, shall issued.

SEC. 15. No attainder shall work corruption of blood, nor except dur the life of the offender forfeiture of estate. The estates of those who dest their own lives shall descend or vest as in case of natural death, and if person be killed by accident no forfeiture shall thereby be incurred.

SEC. 16. Although disobedience to laws by a part of the people, upon s gestions of impolicy or injustice in them, tends by immediate effect and influence of example not only to endanger the public welfare and safety, also in governments of a republican form contravenes the social principles such governments, founded on common consent for common good; yet the zens have a right in an orderly manner to meet together, and to apply to sons intrusted with the powers of government, for redress of grievances other proper purposes, by petition, remonstrance or address.

SEC. 17. No standing army shall be kept up without the consent of General Assembly, and the military shall in all cases and at all times b strict subordination to the civil power.

SEC. 18. No soldier shall in time of peace be quartered in any house w out the consent of the owner; nor in time of war but by a civil magistrat manner to be prescribed by law.

SEC. 19. No hereditary distinction shall be granted, nor any office cre or exercised, the appointment to which shall be for a longer term than du good behaviour; and no person holding any office under this State shall a of any office or title of any kind whatever from any king, prince, or fo State.

We declare that everything in this article is reserved out of the ge powers of government hereinafter mentioned.

ARTICLE II.

LEGISLATURE.

SECTION 1. The legislative power of this State shall be vested in a eral Assembly, which shall consist of a Senate and House of Representativ

SEC. 2. The House of Representatives shall be composed of thirty-five embers, who shall be chosen for two years. The Senate shall be composed seventeen members, who shall be chosen for four years.

The State is hereby divided into thirty-five Representative Districts, from ch of which shall be chosen, by the qualified electors thereof, one Represen- tive. In New Castle County there shall be fifteen Representative Districts, mbered from one to fifteen inclusive; in Kent County, ten Representative istricts, numbered from one to ten inclusive; and in Sussex County, ten Rep- sentative Districts, numbered from one to ten inclusive. The State is also reby divided into seventeen Senatorial Districts, from each of which shall chosen, by the qualified electors thereof, one Senator. In New Castle County ere shall be seven Senatorial Districts, numbered from one to seven inclusive; Kent county, five Senatorial Districts, numbered from one to five inclusive; nd in Sussex County, five Senatorial Districts, from one to five inclusive.

The Representative Districts in New Castle County are and shall be as llows:

Number One. All that portion of the City of Wilmington included within e Second and Fourth Wards, and those parts of the Sixth and Eighth Wards, spectively, lying south of and bounded by the central line of Eighth street.

Number Two. All that portion of the said city included within the Ninth ard, and those parts of the Sixth and Eighth Wards, respectively, lying north and bounded by the central line of Eighth street.

Number Three. All that portion of the said city included within the eventh Ward, and that part of the Fifth Ward lying north of and bounded a straight line including the central line of Eighth street.

Number Four. All that portion of the said city included within the First d Third Wards, and that part of the Fifth Ward lying south of and bounded the central line of Eighth street, east of and bounded by the central line of dams street, and west of and bounded by the central line of Market street.

Number Five. All that portion of the said city included within the Tenth, eventh and Twelfth Wards, and that part of the Fifth Ward lying south of d bounded by a straight line including the central line of Eighth street, west and bounded by the central line of Adams street, and bounded on the west the westerly boundary line of the said city.

Number Six. Brandywine Hundred.

Number Seven. Christiana Hundred.

Number Eight. Mill Creek Hundred.

Number Nine. White Clay Creek Hundred.

Number Ten. New Castle Hundred.

Number Eleven. Pencader Hundred.

Number Twelve. Red Lion Hundred.

Number Thirteen. St. Georges Hundred.

Number Fourteen. Appoquinimink Hundred.

Number Fifteen. Blackbird Hundred.

The Representative Districts in Kent County are and shall be as follows:

Number One. Duck Creek Hundred.

Number Two. Little Creek Hundred and the first Election District of East ver Hundred.

Number Three. Kenton Hundred.

Number Four. West Dover Hundred and all that portion of East Dover ndred lying next to West Dover Hundred and separate from the rest of st Dover Hundred by the following boundary lines: beginning at the middle the public road leading from the Horsehead road to Kenton at the point of ersection of Kenton Hundred and East Dover Hundred, thence running along middle of the said road to the Horsehead road, thence running in a west- y direction along the middle of the said Horsehead road a short distance to hort road leading from the said Horsehead road to the road from Dover to zlettville, known as the Hazlettville road, thence running along the middle of said short road from the Horsehead road to the said Hazlettville road, nce running in a westerly direction along the middle of the said Hazlettville

road a short distance to the road leading therefrom to Wyoming, thence ru
ning along the middle of the said road leading from the Hazlettville ro
to Wyoming to the point of intersection of East Dover Hundred and Nor
Murderkill Hundred.

Number Five. All that portion of East Dover Hundred not included
Districts numbers two and four.

Number Six. Parts of North Murderkill, South Murderkill and Mispilli
Hundreds included within the following boundary lines; beginning at the int
section of the southern line of South Murderkill Hundred with the State
Maryland, thence running along the division line between Mispillion Hundr
and South Murderkill Hundred to the public road leading from Whiteleysbu
to Harrington, thence running in a southeasterly and easterly direction alo
the middle of said public road to the public road leading from Masten's Corn
to Vernon, at or near White's Church, thence running in a northeasterly dir
tion along the middle of said public road leading from Masten's Corner
Vernon, a short distance to the public road leading therefrom to the town
Harrington, being a continuation of the road leading from Whiteleysburg
Harrington, thence running in a southeasterly direction to the intersection
West street in the town of Harrington, thence running in a northerly directi
along the middle of said West street to the middle of Wolcott street in s
town of Harrington, thence running in an easterly direction along the middle
said Wolcott street to the middle of Dorman street in said town of Harringt
thence running in a northerly direction along the middle of said Dorman str
to Brown's Branch, thence running in an easterly direction with the course
said Branch to the Delaware Railroad, thence running in a northerly directi
along said Delaware Railroad to Beaver Dam Branch in South Murderk
Hundred, thence following the course of said Beaver Dam Branch in a nor
westerly direction to the public road leading from Felton to Whiteleysbu
thence running in a northeasterly direction along the middle of the said pub
road from Felton to Whiteleysburg to the Owl's Nest road, thence running i
northerly direction along the middle of the said Owl's Nest road to the int
section of the Cowgill road from Woodside to Petersburg, thence running i
northerly direction along the middle of the said Cowgill road to the Reed r
running from Woodside to Du Pont's school house, thence running in a nor
westerly direction along the middle of the said Reed road to Du Pont's sch
house, thence running in a northerly direction along the middle of the pub
road leading from Willow Grove to Camden, a short distance to Stubb's Corn
thence running in a westerly and northwesterly and westerly direction al
the middle of the public road leading from Du Pont's school house to the Al
house to Gray's Corner, thence continuing in a direct westerly line to the sou
ern boundary line of West Dover Hundred, thence following the southern bou
ary line of West Dover Hundred in a westerly direction to the State of Ma
land, thence running in a southerly direction along the eastern boundary
to the State of Maryland to the place of beginning.

Number Seven. All that portion of North Murderkill Hundred not
cluded in District number six.

Number Eight. All that portion of South Murderkill Hundred not
cluded in District number six.

Number Nine. All that portion of Mispillion Hundred not included
District number six.

Number Ten. Milford Hundred.

The Representative Districts in Sussex County are and shall be as follo

Number One. Cedar Creek Hundred.

Number Two. All that portion of Nanticoke Hundred which lies n
and west of Gravelly Branch, beginning at a point where the said Gra
Branch intersects the dividing line between Georgetown and Nanticoke
dreds and running in a southwesterly course to what was formerly know
Rest's Old Mill, thence along said branch to what was formerly known as
lins' Mills, to its mouth being at the head of Middleford Mill Pond; toge
with North West Fork Hundred.

Number Three. All that portion of Nanticoke Hundred which lies south
d east of said Gravelly Branch, beginning at a point where the said Gravelly
anch intersects the dividing line between Nanticoke and Georgetown Hun-
eds, running in a southwesterly course to what was formerly known as Rest's
d Mill, thence along the said branch to what was formerly known as Collins'
ills, to its mouth at the head of Middleford Mill Pond; together with Seaford
undred.

Number Four. Broad Creek Hundred.

Number Five. Little Creek Hundred.

Number Six. Dagsboro and Gumboro Hundreds.

Number Seven. Baltimore Hundred.

Number Eight. Indian River Hundred.

Number Nine. Georgetown Hundred.

Number Ten. Broadkiln and Lewes and Rehoboth Hundreds.

The Senatorial Districts in New Castle County are and shall be as follows:

Number One. All that portion of the City of Wilmington lying north of
d bounded by a straight line including the central line of Eighth street ex-
ding from the Delaware River to the westerly boundary of said city.

Number Two. All that portion of the said city lying south of and bounded
the straight line aforesaid including the central line of Eighth street.

Number Three. Brandywine Hundred, together with all that portion of
ristiana Hundred lying north of and bounded by the central line of Lan-
ter Turnpike.

Number Four. Mill Creek Hundred, together with all that portion of
ristiana Hundred lying south of and bounded by the central line of the Lan-
ter Turnpike.

Number Five. White Clay Creek Hundred, Red Lion Hundred and New
stle Hundred.

Number Six. Pencader Hundred and St. Georges Hundred.

Number Seven. Appoquinimink Hundred and Blackbird Hundred.

The Senatorial Districts in Kent County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and seventh Representative Districts.

Number Four. The sixth and ninth Representative Districts.

Number Five. The eighth and tenth Representative Districts.

The Senatorial Districts in Sussex County are and shall be as follows:

Number One. The first and second Representative Districts.

Number Two. The third and fourth Representative Districts.

Number Three. The fifth and sixth Representative Districts.

Number Four. The seventh and eighth Representative Districts.

Number Five. The ninth and tenth Representative Districts.

All territory which shall hereafter be added to and included within the
of Wilmington shall become part of the Representative Districts in New
tle County, as follows:

All lying east of a straight line including the central line of Market street,
w Eighth street as the said two streets now exist, and south of a straight
including the central line of Eighth street, as the same now exists, shall
me part of Representative District number one.

All lying north of a straight line including the central line of Eighth street,
he same now exists, extending from the northeasterly side of Brandywine
's to the Delaware River, or north of the Brandywine Creek, westerly from
point of intersection of the said straight line with the northeasterly side
he said Creek, shall become part of Representative District number two.

All lying north of a straight line including the central line of Eighth street,
he same now exists, south of the Brandywine Creek, and west of the central
of Market street, as the same now exists, shall become part of Represen-
ve District number three.

All lying between a straight line including the central line of Market street
nded southerly and a straight line including the central line of Washington

street extended southerly shall become part of Representative District numbe four.

All lying south of a straight line including the central line of Eighth stree as the same now exists, and west of a straight line including the central lin of Washington street, as the same now exists, shall become part of Repre sentative District number five.

In case of any change in the boundary line between this State and th State of Pennsylvania any of the said Senatorial and Representative District in New Castle County affected thereby shall conform to any new boundary lin between the said States.

All territory which shall hereafter be added to and included within th City of Wilmington shall become part of the Senatorial Districts in New Cast County as follows:

All lying north of a straight line including the central line of Eighth stree extended from the Delaware River westwardly, shall become part of Senatori District number one.

All lying south of a straight line including the central line of Eighth stree extended from the Delaware River westwardly shall become part of Senatori District number two.

Whenever by the extension of the limits of the City of Wilmington territo forming part of any Representative or Senatorial District, as hereby establishe shall be included within the limits of the said city, such Representative Senatorial District shall thereafter consist of the residue thereof, not so i cluded within said limits.

The several Representative and Senatorial Districts in the State sha except as herein otherwise provided, continue to be bounded, described a defined by the lines of the hundreds, wards, election districts, public roads, ra road and other boundaries herein mentioned, as the same are now establish and located.

SEC. 3. No person shall be a Senator who shall not have attained the a of twenty-seven years and have been a citizen and inhabitant of the State thr years next preceding the day of his election and the last year of that term inhabitant of the Senatorial District in which he shall be chosen, unless shall have been absent on the public business of the United States or of t State. No person shall be a Representative who shall not have attained t age of twenty-four years, and have been a citizen and inhabitant of the St three years next preceding the day of his election, and the last year of th term an inhabitant of the Representative District in which he shall be chos unless he shall have been absent on the public business of the United States of this State.

SEC. 4. The General Assembly shall meet on the first Tuesday of Janua biennially, and at such other times as the Governor shall convene the same.

SEC. 5. The General Assembly shall meet and sit in Dover, the capital the State; provided, however, that in case of insurrection, conflagration epidemic disease the General Assembly may temporarily meet and sit elsewh

SEC. 6. Whenever there shall be a vacancy in either House of the G eral Assembly, by reason of failure to elect, ineligibility, death, resignation otherwise, a writ of election shall be issued by the presiding officer of House in which the vacancy exists, or in case of necessity in such other man as shall be provided by law; and the person thereupon chosen to fill s vacancy shall hold office for the residue of the term. And whenever there s be such vacancy in either House, and the General Assembly is not in sess the Governor shall have power to issue a writ of election to fill such vaca which writ shall be executed as a writ issued by the presiding officer of eit House in case of vacancy, and the person thereupon chosen to fill such vaca shall hold office for the residue of the term.

SEC. 7. The Senate at each biennial session shall choose one of its m bers president pro tempore, who shall preside in the absence of the Lieuten Governor, or in case the latter shall become Governor or while he conti in the exercise of the office of Governor by reason of disability of the Gover

he Senate shall also choose its other officers and in the absence of the Lieu-
nant-Governor and its president pro tempore may, from time to time, as occa-
on may require, appoint one of its members to preside. The House of Repre-
ntatives shall choose one of its members speaker and also choose its other
ficers, and in the absence of the speaker may, from time to time, as occasion
ay require, appoint one of its members to preside.

SEC. 8. Each House shall be the judge of the elections, returns and quali-
ations of its own members; and a majority of all the members elected to
ch House shall constitute a quorum to do business; but a smaller number
ay adjourn from day to day, and shall have power to compel the attendance
absent members, in such manner, and under such penalties, as shall be
emed expedient.

SEC. 9. Each House may determine the rules of its proceedings, punish
y of its members for disorderly behavior, and with the concurrence of two-
rds of all the members elected thereto expel a member, and shall have all
her powers necessary for a branch of the Legislature of a free and inde-
ndent State.

SEC. 10. Each House shall keep a journal of its proceedings, and publish
same immediately after every session, except such parts as may require
recy. The names of the members voting for and against any bill or joint
olution, except in relation to adjournment, shall on the final vote be entered
the journal; and the yeas and nays of the members on any question shall,
the desire of any member, be entered on the journal. No bill or joint reso-
ion, except in relation to adjournment, shall pass either House unless the
al vote shall have been taken by yeas and nays, nor without the concurrence
a majority of all the members elected to each House.[1]

SEC. 11. The doors of each House, and of Committees of the Whole, shall
open unless when the business is such as ought to be kept secret.

SEC. 12. Neither House shall, without the consent of the other, adjourn
more than three days, nor to any other place than that in which the two
uses shall be sitting.

SEC. 13. The Senators and Representatives shall, in all cases, except trea
, felony or breach of the peace, be privileged from arrest during their at-
dance at the session of their respective Houses, and in going to and returning
m the same; and for any speech or debate in either House they shall not be
estioned in any other place.

SEC. 14. No Senator or Representative shall, during the time for which
shall have been elected, be appointed to any civil office under this State
ich shall have been created, or the emoluments of which shall have been
creased, during such time. No member of Congress, nor any person holding
office under this State, or the United States, except officers usually ap-
nted by the courts of justice respectively, attorneys-at-law and officers in the
itia, holding no disqualifying office, shall during his continuance in Congress
in office be a Senator or Representative; nor shall any person while con
ected in any army or navy contract be a Senator or Representative.

SEC. 15. The members of the General Assembly, except the presiding offi-
s of the respective Houses, shall receive as compensation for their services
per diem allowance of five dollars, and the presiding officers a per diem
wance of six dollars for each day of the session, not exceeding sixty days;
should they remain longer in session they shall serve without compensa
n. In case a special or extra session of the General Assembly be called the
mbers and presiding officers shall receive like compensation for a period not
eeding thirty days.

The compensation of members of the General Assembly and of the Lieu
nt Governor as president of the Senate shall be paid out of the Treasury
the State.

The cost to the State for stationery and other supplies for each member
the General Assembly shall not exceed the sum of twenty-five dollars for
regular session, or the sum of ten dollars for any special session.

[1] Adopted by a two-thirds vote of the members of the general assemblies of 1911
1913.

SEC. 16. No bill or joint resolution, except bills appropriating money public purposes, shall embrace more than one subject, which shall be express in its title.

SEC. 17. Lotteries, the sale of lottery tickets, pool selling and all otl forms of gambling are prohibited in this State. The General Assembly sh enforce this section by appropriate legislation.

SEC. 18. No divorce shall be granted, nor alimony allowed, except by judgment of a court, as shall be prescribed by general and uniform law.

SEC. 19. The General Assembly shall not pass any local or special l relating to fences; the straying of live stock; ditches; the creation or chang the boundaries of school districts; or the laying out, opening, alteration, ma tenance or vacation, in whole or in part, of any road, highway, street, lane alley: Provided, however, that the General Assembly may by a vote of t thirds of all the members elected to each House pass laws relating to the lay out, opening, alteration or maintenance of any road or highway which form continuous road or highway extending through at least a portion of the th counties of the State.[2]

SEC. 20. Any member of the General Assembly who has a personal private interest in any measure or bill pending in the General Assembly sh disclose the fact to the House of which he is a member and shall not v thereon.

SEC. 21. No person who shall be convicted of embezzlement of the pu money, bribery, perjury or other infamous crime, shall be eligible to a seat either House of the General Assembly, or capable of holding any office of tr honor or profit under this State.

SEC. 22. Every person who shall give, offer or promise, directly or i rectly, any money, testimonial, privilege, personal advantage or thing of va to any executive or judicial officer of this State or to any member of eit House of the General Assembly for the purpose of influencing him in the formance of any of his official or public duties shall be deemed guilty of brib and shall be punished in such manner as shall be provided by law.

SEC. 23. Every statute shall be a public law unless otherwise declared the statute itself.

SEC. 24. The State Treasurer shall settle his accounts annually with General Assembly or a joint committee thereof, which shall be appointed every biennial session. No person who has served in the office of State Tr urer shall be eligible to a seat in either House of the General Assembly u he shall have made a final settlement of his accounts as treasurer and charged the balance, if any, due thereon.

ARTICLE III.

EXECUTIVE.

SECTION 1. The supreme executive powers of the State shall be veste a Governor.

SEC. 2. The Governor shall be chosen by the qualified electors of the S once in every four years, at the general election.

SEC. 3. The returns of every election for Governor shall be sealed up immediately transmitted to the President of the Senate, or in case of a vac in the office of President of the Senate, or his absence from the State, to Secretary of State, who shall keep the same until a President of the Se shall be chosen, to whom they shall be immediately transmitted after his tion, who shall open and publish the same in the presence of the member both Houses of the General Assembly. Duplicates of the said returns also be immediately lodged with the Prothonotary of each county. The p having the highest number of votes shall be Governor; but if two or more be equal in the highest number of votes, the members of the two Houses s by joint ballot, choose one of them to be Governor; and if, upon such b

[2]Adopted by a two-thirds vote of the members of the general assemblies of and 1913. Only the proviso is new; the first part of the section is the ori section.

wo or more of them shall still be equal and highest in votes, the President f the Senate shall have the casting vote.

SEC. 4. Contested elections of the Governor or Lieutenant-Governor shall e determined by a joint committee, consisting of one-third of all the members ected to each House of the General Assembly, to be selected by ballot of the ouses respectively. Every member of the committee shall take an oath or ffirmation that in determining the said election he will faithfully discharge he trust reposed in him; and the committee shall always sit with open doors.

The Chief Justice, or, in case of his absence or disability, the Chancellor hall preside at the trial of any contested election of Governor or Lieutenant-overnor, and shall decide questions regarding the admissibility of evidence, nd shall, upon request of the committee, pronounce his opinion upon other uestions of law involved in the trial.

SEC. 5. The Governor shall hold his office during four years from the hird Tuesday in January next ensuing his election; and shall not be elected a hird time to said office.

SEC. 6. The Governor shall be at least thirty years of age, and have been citizen and inhabitant of the United States twelve years next before the day f his election, and the last six years of that term an inhabitant of this State, nless he shall have been absent on public business of the United States or of his State.

SEC. 7. The Governor shall, at stated times, receive for his services an dequate salary to be fixed by law, which shall be neither increased nor dimin-hed during the period for which he shall have been elected.

SEC. 8. He shall be commander-in-chief of the army and navy of this ate, and of the militia, except when they shall be called into the service of he United States.

SEC. 9. He shall have power, unless herein otherwise provided, to appoint, and with the consent of a majority of all the members elected to the Senate, uch officers as he is or may be authorized by this Constitution or by law to ppoint. He shall have power to fill all vacancies that may happen during the ecess of the Senate, in offices to which he may appoint, except in the offices Chancellor, Chief Justice and Associate Judges, by granting Commissions hich shall expire at the end of the next session of the Senate.

He shall have power to fill all vacancies that may happen in elective ffices, except in the offices of Lieutenant-Governor and members of the General ssembly, by granting Commissions which shall expire when their successors hall be duly qualified.

In case of vacancy in an elective office, except as aforesaid, a person shall e chosen to said office for the full term at the next general election, unless e vacancy shall happen within two months next before such election, in which se the election for said office shall be held at the second succeeding general ection.

Unless herein otherwise provided, confirmation by the Senate of officers ppointed by the Governor shall be required only where the salary, fees and nolluments of office shall exceed the sum of five hundred dollars annually.

SEC. 10. The Governor shall appoint, by and with the consent of a majority all the members elected to the Senate, a Secretary of State, who shall hold ffice during the pleasure of the Governor. He shall keep a fair register of all he official acts and proceedings of the Governor, and shall, when required by ther House of the General Assembly lay the same, and all papers, minutes nd vouchers, relative thereto, before such House, and shall perform such other uties as shall be enjoined upon him by law. He shall have a compensation or his service to be fixed by law.

SEC. 11. No person shall be elected or appointed to an office within a county ho shall not have a right to vote for a Representative in the General Assem-y, and have been a resident therein one year next before his election or ppointment, nor hold the office longer than he continues to reside in the ounty, unless herein otherwise provided.

No member of Congress, nor any person holding or exercising any office

under the United States, except officers usually appointed by the courts of justice respectively and attorneys-at-law, shall at the same time hold or exercise any office of profit under this State, unless herein otherwise provided.

No person shall hold more than one of the following offices at the same time, to-wit: Secretary of State, Attorney-General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, Clerk of the Peace, Register of Wills, Recorder, Sheriff or Coroner.

SEC. 12. All Commissions shall be in the name of the State, and shall be sealed with the great seal and signed by the Governor.

SEC. 13. The Governor may for any reasonable cause remove any officer except the Lieutenant-Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each House of the General Assembly. Whenever the General Assembly shall so address the Governor, the cause of removal shall be entered on the journals of each House. The person against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereon.

SEC. 14. The Governor may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 15. He shall, from time to time, give to the General Assembly information of affairs concerning the State and recommend to its consideration such measures as he shall judge expedient.

SEC. 16. He may on extraordinary occasions convene the General Assembly by proclamation; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding three months. He shall have power to convene the Senate in extraordinary session by proclamation, for the transaction of executive business.

SEC. 17. He shall take care that the laws be faithfully executed.

SEC. 18. Every bill which shall have passed both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if he shall not approve, he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large on the journal and proceed to reconsider it. If, after such reconsideration, three-fifths of all the members elected to that House shall agree to pass the bill, it shall be sent together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by three-fifths of all the members elected to that House, it shall become a law; but in neither House shall the vote be taken on the day on which the bill shall be returned to it. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the Governor within ten days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the General Assembly, unless approved by the Governor within thirty days after such adjournment. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills, over the Executive veto. Every order, resolution, or vote to which the concurrence of both Houses of the General Assembly may be necessary, except on a question of adjournment, shall be presented to the Governor, and before the same shall take effect be approved by him, or being disapproved by him, shall be repassed by the

fths of all the members elected to each House of the General Assembly, ccording to the rules and limitations prescribed in the case of a bill.

SEC. 19. A Lieutenant-Governor shall be chosen at the same time, in the ame manner, for the same term, and subject to the same provisions as the Governor; he shall possess the same qualifications of eligibility for office as he Governor; he shall be President of the Senate, but shall have no vote nless the Senate be equally divided.

The Lieutenant-Governor while acting as President of the Senate, or as ember of the Board of Pardons, whenever attending the sessions of said oard, shall receive for his services the same compensation per day as the peaker of the House of Representatives.

SEC. 20. In case the person elected Governor shall die or become disualified before the commencement of his term of office, or shall refuse to ke the same, or in case of the removal of the Governor from office, or of his eath, resignation or inability to discharge the powers and duties of the said ffice, the same shall devolve on the Lieutenant-Governor; and in case of emoval, death, resignation, or inability of both the Governor and Lieutenantovernor, the Secretary of State, or if there be none, or in case of his removal, eath, resignation, or inability, then the Attorney-General, or if there be none, r in case of his removal, death, resignation, or inability, then the President ro tempore of the Senate, or if there be none, or in case of his removal, eath, resignation, or inability, then the Speaker of the House of Representaves shall act as Governor until the disability of the Governor or Lieutenantovernor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions of this section shall apply only to such persons s are eligible to the office of Governor under this Constitution at the time he powers and duties of the office of Governor shall devolve upon them espectively.

Whenever the powers and duties of the office of Governor shall devolve pon the Lieutenant-Governor, Secretary of State, or Attorney-General, his ffice shall become vacant; and whenever the powers and duties of the office f Governor shall devolve upon the President pro tempore of the Senate, or he Speaker of the House of Representatives, his seat as a member of the eneral Assembly shall become vacant; and any such vacancy shall be filled s directed by this Constitution; provided, however, that such vacancy shall ot be created in case either of the said persons shall be acting as Governor uring a temporary disability of the Governor.

SEC. 21. The terms of office of the Attorney-General and Insurance Comissioner shall be four years; and the terms of office of the State Treasurer nd Auditor of Accounts shall be two years. These officers shall be chosen by he qualified electors of the State at general elections, and be commissioned y the Governor.

SEC. 22. The terms of office of Prothonotaries, Clerks of the Peace, Regisers of Wills, Recorders, Registers in Chancery and Clerks of the Orphans' ourt shall be four years; and the terms of office of Sheriffs and Coroners hall be two years. These officers shall be chosen by the qualified electors f the respective counties at general elections, and be commissioned by the overnor.

No person shall be twice elected Sheriff in any term of four years.

SEC. 23. Prothonotaries, Clerks of the Peace, Registers of Wills, Recorders, egisters in Chancery, Clerks of the Orphans' Court and Sheriffs shall keep heir offices in the town or place in each county in which the Superior Court usually held.

ARTICLE IV.

JUDICIARY.

SECTION 1. The judicial power of this State shall be vested in a Supreme ourt, a Superior Court, a Court of Chancery, an Orphans' Court, a ourt of Oyer and Terminer, a Court of General Sessions, a Register's Court, ustices of the Peace and such other courts as the General Assembly, with

the concurrence of two-thirds of all the members elected to each House, shal from time to time by law establish.

SEC. 2. There shall be six State Judges who shall be learned in the law One of them shall be Chancellor, one of them Chief Justice and the othe four of them Associate Judges.

The Chancellor, Chief Justice and one of the Associate Judges may b appointed from and reside in any part of the State. The other three Asso ciate Judges may be appointed from any part of the State. They shall b resident Associate Judges, and one of them shall reside in each county.

In case the commission of two or more of the Associate Judges shall b of the same date, they shall, as soon as conveniently may be, after their ap pointment, determine their seniority by lot, and certify the result to th Governor.

SEC. 3. The Chancellor, Chief Justice and Associate Judges shall be ap pointed by the Governor, by and with the consent of a majority of all th members elected to the Senate, for the term of twelve years: Provided, how ever, that the Chancellor, Chief Justice and Associate Judges first to be ap pointed under this amended Constitution, shall be appointed by the Governo without the consent of the Senate, for the term of twelve years; and th persons so appointed shall enter upon the discharge of the duties of the respective offices upon taking the oath of office prescribed by this amende Constitution. If a vacancy shall occur, by expiration of term of otherwis at a time when the Senate shall not be in session, the Governor sha within thirty days after the happening of any such vacancy convene th Senate for the purpose of confirming his appointment to fill said vacanc and the transaction of such other executive business as may come befo it. Such vacancy shall be filled as aforesaid for the full term. The sa appointment shall be such that no more than three of the said five la judges, in office at the same time, shall have been appointed from the sam political party.

SEC. 4. The Chancellor, Chief Justice and Associate Judges shall respe tively receive from the State for their services a compensation which sha be fixed by law and paid quarterly, and shall not be less than the annual sum three thousand dollars, and they shall not receive any fees or perquisites addition to their salaries for business done by them except as provided by la They shall hold no other office of profit.

SEC. 5. The Chief Justice and the four Associate Judges shall compo the Superior Court, the Court of General Sessions and the Court of Oyer a Terminer, as hereinafter prescribed.

The said five judges shall designate those of their number who shall ho the said Courts in the several Counties. No more than three of them sha sit together in any of the said Courts. In each of the said Courts the Chi Justice when present shall preside, and in his absence the senior Associa Judge present shall preside.

One shall constitute a quorum in the said Courts, respectively, exce in the Court of Oyer and Terminer, where three shall constitute a quoru and except in the Superior Court sitting to hear appeals from the Orpha Court or a Register's Court, when two shall constitute a quorum, and except the Court of General Sessions sitting to try cases of prosecution under Se tion 8 of Article V of this Constitution or sitting to hear contested appli tions for license to sell intoxicating liquors, when two shall constitute quorum. One judge may open and adjourn any of said Courts.[3]

SEC. 6. Subject to the provisions of Section 5 of this Article, two or mo sessions of the Superior Court, or Court of General Sessions, or one or mo sessions of each of the said Court, or one session of the Court of Oyer a Terminer and one or two of either, or one of each of the other of the said cou may at the same time be held in the same county or in different counties, and t

[3]Adopted by a two-thirds vote of the members of the general assemblies of 19 and 1913.

business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.[4]

SEC. 7. The Superior Court shall have jurisdiction of all causes of a civil nature, real, personal and mixed, at common law and all other the jurisdiction and powers vested by the laws of this State in the Superior Court.

SEC. 8. The Court of General Sessions shall have all the jurisdiction and powers vested by the laws of this State in the Court of General Sessions of the Peace and Jail Delivery.

SEC. 9. The Court of Oyer and Terminer shall have all the jurisdiction and powers vested by the laws of this State in the Court of Oyer and Terminer.

SEC. 10. The Chancellor shall hold the Court of Chancery. This court shall have all the jurisdiction and powers vested by the laws of this state in the Court of Chancery.

SEC. 11. The Orphans' Court in each County shall consist of the Chancellor and the resident Associate Judge of the county. The Chancellor when present shall preside. One of them shall constitute a quorum.

When their opinions are opposed, or when the decision is made by one of them, or when the decision is made by both of them in matters involving a right to real estate or the appraised value or other value thereof, and in all matters affecting guardians or guardians' accounts, there shall be an appeal to the Superior Court for the county, which shall have final jurisdiction in every such case. Upon such appeals, if the Associate Judge sat in the cause below, he shall not sit in the Superior Court. In all other cases the decision of the Orphans' Court shall be final.

This court shall have all the jurisdiction and powers vested by the laws of this State in the Orphans' Court.

SEC. 12. The Supreme Court shall have jurisdiction as follows:

(1). To issue writs of error to the Superior Court and to determine finally all matters in error in the judgments and proceedings of said Superior Court.

(2). To issue upon application of the accused, after conviction and sentence, writs of error to the Court of Oyer and Terminer and the Court of General Sessions in all cases in which the sentence shall be death, imprisonment exceeding one month, or fine exceeding one hundred dollars, and in such other cases as shall be provided by law; and to determine finally all matters in error in the judgments and proceedings of said Court of Oyer and Terminer and Court of General Sessions in such cases; provided, however, that there shall be no writ of error to the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution.

(3). To receive appeals from the Court of General Sessions in cases of prosecution under Section 8 of Article V of this Constitution, and to determine finally all matters of appeal in such cases.

(4). To receive appeals from the Court of Chancery, and to determine finally all matters of appeals in the interlocutory or final decrees and to proceedings in chancery.

(5). To issue writs of prohibition, certiorari and mandamus to the Superior Court, the Court of Oyer and Terminer, the Court of General Sessions, the Court of Chancery and the Orphans' Court, or any of the judges of said courts, and all orders, rules and processes proper to give effect to the same. The General Assembly shall have power to provide by law of what judges of the Supreme Court shall consist for the purpose of this paragraph and in what manner, and by what judges of the Supreme Court the jurisdiction and power hereby conferred may be exercised in vacation.

SEC. 13. The Supreme Court upon a writ of error to the Superior Court, Court of Oyer and Terminer, or Court of General Sessions, or upon appeal from the Court of General Sessions, shall consist of the Chancellor and such of the other five judges as did not sit in the cause below. The Chancellor

[4]Adopted by a two-thirds vote of the members of the general assemblies of 1911 and 1913.

when present shall preside, and in his absence the Chief Justice when preser shall preside, and in his absence the Senior Associate Judge present shall pr side. Any three of them shall constitute a quorum, and one of them may ope and adjourn court.

SEC. 14. The Supreme Court upon an appeal from the Court of Chancer shall consist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senic Associate Judge present shall preside. Any three of them shall constitute quorum, and one of them may open and adjourn court.

SEC. 15. Whenever the Superior Court, Court of Oyer and Terminer Court of General Sessions shall consider that a question of law ought to heard by the Court in Banc, they shall have power, upon application of eith party, to direct it to be so heard, and in that case the Court in Banc shall co sist of the Chief Justice and the four Associate Judges.

The Chief Justice when present shall preside, and in his absence the senic Associate Judge present shall preside. Any four of them shall constitute quorum, and one of them may open and adjourn court.

The Superior Court, Court of Oyer and Terminer or Court of General Se sions in exercising this power, may direct a cause to be proceeded into verdi or judgment in that court, or to be othewise proceeded in, as shall be best f expediting justice.

SEC. 16. In matters of chancery jurisdiction in which the Chancellor interested or otherwise disqualified, the Chief Justice shall have jurisdictio and there shall be an appeal to the Supreme Court, which shall in this ca consist of the four Associate Judges, the Senior Associate Judge present presi ing. Any three of them shall constitute a quorum, and one of them may ope and adjourn court.

SEC. 17. The Chief Justice, or, in case of his absence from the State or di ability, the senior Associate Judge, shall have power, during the absence the Chancellor from the State or his temporary disability, to grant restrainii orders and preliminary injunctions, pursuant to the rules of the Court of Cha cery; provided, that nothing herein contained shall be construed to conf general jurisdiction over the case.

SEC. 18. The Governor shall have power to commission a judge ad lite for the purpose of constituting a quorum in the Superior Court, Court of Oy and Terminer, Court of General Sessions or Supreme Court, where by reas of legal exception to the Chancellor or any judge or for other cause a quoru could not otherwise be had. The commission in such case shall confine t office to the cause, and it shall expire on the determination of the cause. T judge so appointed shall receive a reasonable compensation to be fixed by t General Assembly. A member of Congress, or any person holding or exercisi an office under the United States, shall not be disqualified from being appoint a judge ad litem.

SEC. 19. The jurisdiction of each of the aforesaid courts shall be co-exte sive with the State. Process may be issued out of each court, in either count into every county. No costs shall be awarded against any party to a cau by reason of the fact that suit is brought in a county other than that in whi the defendant or defendants may reside at the time of bringing suit.

SEC. 20. The General Assembly, notwithstanding anything contained in t Article, shall have power to repeal or alter any act of the General Assemb giving jurisdiction to the Court of Oyer and Terminer, the Superior Court, t Court of General Sessions of the Peace and Jail Delivery, the Orphans' Co or the Court of Chancery, in any matter, or giving any power to either of t said courts. The General Assembly shall also have power to confer upon t Courts of Oyer and Terminer, the Superior Court, the Court of General S sions, the Orphans' Court and the Court of Chancery jurisdiction and powers addition to those hereinbefore mentioned. Until the General Assembly sh otherwise direct, there shall be an appeal to the Supreme Court in all cas in which there is an appeal according to any act of the General Assembly, the Court of Errors and Appeals.

SEC. 21. Until the General Assembly shall otherwise provide, the Chancellor shall exercise all the powers which any law of this State vests in the Chancellor, besides the general powers of the Court of Chancery, and the Chief Justice and Associate Judges shall each singly exercise all the powers which any law of this State vests in the judges singly of the Superior Court.

SEC. 22. Judges shall not charge juries with respect to matters of fact, but may state the questions of fact in issue and declare the law.

SEC. 23. In civil causes where matters of fact are at issue, if the parties agree, such matters of fact shall be tried by the court, and judgment rendered upon their decision thereon as upon a verdict by a jury.

SEC. 24. In civil causes, when pending, the Superior Court shall have the power, before judgment, of directing, upon such terms as it shall deem reasonable, amendments, impleadings and legal proceedings, so that by error in any of them, the determination of causes, according to their real merits, shall not be hindered; and also of directing the examination of witnesses who are aged, very infirm, or going out of the State, upon interrogatories de bene esse, to be read in evidence, in case of the death or departure of the witnesses before the trial, or inability by reason of age, sickness, bodily infirmity, or imprisonment, then to attend; and also the power of obtaining evidence from places not within the State.

SEC. 25. At any time pending an action for debt or damages, the defendant may bring into court a sum of money for discharging the same, together with the costs then accrued, and the plaintiff not accepting the same, if upon the final decision of the cause, he shall not recover a greater sum than so paid into the court for him, he shall not recover any costs accruing after such payment, except where the plaintiff is an executor or administrator.

SEC. 26. By the death of any party, no suit in chancery or at law, where the cause of action survives, shall abate, but, until the General Assembly shall otherwise provide, suggestion of such death being entered of record, the executor or administrator of a deceased petitioner or plaintiff may prosecute the said suit; and if a respondent or defendant dies, the executor or administrator being duly served with a scire facias thirty days before the return thereof shall be considered as a party to the suit, in the same manner as if he had voluntarily made himself a party; and in any of those cases, the court shall pass a decree, or render judgment for or against executors or administrators, as to right appertains. But where an executor or administrator of a deceased respondent or defendant becomes a party, the court upon motion shall grant such a continuance of the cause as to the judges shall appear proper.

SEC. 27. Whenever a person, not being an executor or administrator, appeals from a decree of the Chancellor, or applies for a writ of error, such appeal or writ shall be no stay of proceedings in chancery, or the court to which the writ issues, unless the appellant or plaintiff in error shall give sufficient security, to be approved respectively by the Chancellor, or by a judge of the court from which the writ issues, that the appellant or plaintiff in error shall prosecute respectively his appeal or writ to effect, and pay the condemnation money and all costs, or otherwise abide the decree in appeal or the judgment in error, if he fails to make his plea good.

SEC. 28. No writ of error shall be brought upon any judgment heretofore confessed, entered or rendered, or upon any judgment hereafter to be confessed, entered or rendered, but within five years after the confessing, entering or rendering thereof; unless the person entitled to such writ be an infant, feme covert, non compos mentis, or a prisoner, and then within five years exclusive of the time of such disability.

SEC. 29. The Prothonotary of the Superior Court may issue process, take recognizance of bail and enter judgments, according to law and the practice of the court. No judgment in one county shall bind lands or tenements in another, until a testatum fieri facias being issued, shall be entered of record in the office of the Prothonotary of the county wherein the lands or tenements are situate.

SEC. 30. The General Assembly may by law give to any inferior courts

by it established or to be established, or to one or more justices of the peace, jurisdiction of the criminal matters following, that is to say, assaults and batteries, keeping without a license a public house of entertainment, tavern, inn, ale house, ordinary or victualing house, retailing or selling without license, or on Sunday, or to minors, wine, rum, brandy, gin, whiskey, or spirituous or mixed liquors, contrary to law, carrying concealed a deadly weapon, disturbing meetings held for the purpose of religious worship, nuisances, and such other misdemeanors as the General Assembly may from time to time, with the concurrence of two-thirds of all the members elected to each House prescribe.

The General Assembly may by law regulate this jurisdiction, and provide that the proceedings shall be with or without indictment by grand jury, or trial by petit jury, and may grant or deny the privilege of appeal to the Court of General Sessions; provided, however, that there shall be an appeal to the Court of General Sessions in all cases in which the sentence shall be imprisonment exceeding one month, or a fine exceeding one hundred dollars.

SEC. 31. There shall be appointed, as hereinafter provided, such number of persons to the office of Justice of the Peace as shall be directed by law, who shall be commissioned for four years.

SEC. 32. Justices of the Peace and the judges of such courts as the General Assembly may establish pursuant to the provisions of Section 1 or Section 30 of this Article shall be appointed by the Governor, by and with the consent of a majority of all the members elected to the Senate, for such terms as shall be fixed by this Constitution or by law.

SEC. 33. The Registers of Wills of the several counties shall respectively hold the Register's Court in each county. Upon the litigation of a cause the depositions of the witnesses examined shall be taken at large in writing and make part of the proceedings in the cause. This court may issue process throughout the State. Appeals may be taken from a Register's Court to the Superior Court, whose decision shall be final. In cases where a Register of Wills is interested in questions concerning the probate of wills, the granting of letters of administration or executor's or administrators' accounts, the cognizance thereof shall belong to the Orphans' Court, with an appeal to the Superior Court, whose decision shall be final.

SEC. 34. An executor or administrator shall file every account with the Register of Wills for the county, who shall, as soon as conveniently may be, carefully examine the particulars with the proofs thereof, in the presence of such executor or administrator, and shall adjust and settle the same according to the right of the matter and the law of the land; which account so settled shall remain in his office for inspection; and the executor, or administrator, shall within three months after such settlement give notice in writing to all persons entitled to shares of the estate, or to their guardians, respectively if residing within the State, that the account is lodged in the said office for inspection.

Exceptions may be made by persons concerned to both sides of every such account, either denying the justice of the allowances made to the accountant or alleging further charges against him; and the exception shall be heard in the Orphans' Court for the county; and thereupon the account shall be adjusted and settled according to the right of the matter and law of the land.

SEC. 35. The style in all process and public acts shall be THE STATE OF DELAWARE. Prosecutions shall be carried on in the name of the State.

ARTICLE V.

ELECTIONS.

SECTION 1. The general election shall be held biennially on the Tuesday next after the first Monday in the month of November, and shall be by ballot; but the General Assembly may by law prescribe the means, methods and instruments of voting so as best to secure secrecy and the independence of the voter, preserve the freedom and purity of elections and prevent fraud, corruption and intimidation thereat.

SEC. 2. Every male citizen of this State of the age of twenty-one years who shall have been a resident thereof one year next preceding an election, and for the last three months a resident of the county, and for the last thirty days a resident of the hundred or election district in which he may offer to vote, and in which he shall have been duly registered as hereinafter provided for, shall be entitled to vote at such election in the hundred or election district of which he shall at the time be a resident, and in which he shall be registered, for all officers that now are or hereafter may be elected by the people and upon all questions which may be submitted to the vote of the people; provided, however, that no person who shall have obtained the age of twenty-one years after the 1st day of January, in the year of our Lord, nineteen hundred, or after that date shall become a citizen of the United States, shall have the right to vote unless he shall be able to read this Constitution in the English language and write his name; but these requirements shall not apply to any person who by reason of physical disability shall be unable to comply therewith; and provided also, that no person in the military, naval, or marine service of the United States in any garrison, barrack, or military or naval place or station within this State; and no idiot or insane person, pauper, or person convicted of a crime deemed by law felony, or incapacitated under the provisions of this Constitution from voting, shall enjoy the right of an elector; and the General Assembly may impose the forfeiture of the right of suffrage as a punishment for crime.

SEC. 3. No person who shall receive or accept, or offer to receive or accept, or shall pay, transfer, or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any matter influencing the giving or withholding, a vote at any general, special or municipal election in this State, shall vote at such election; and upon challenge for any of said causes the person so challenged before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or accepted, or offered to receive or accept, or paid, transferred or delivered, or offered or promised to pay, transfer or deliver, or contribute, or offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the registering or abstaining from registering of any one qualified to register, or for the giving or withholding, or in any manner influencing the giving or withholding, a vote at such election.

Such oath or affirmation shall be conclusive evidence to the election officers of the truth of such oath or affirmation; but if any such oath or affirmation shall be false, the person making the same shall be guilty of perjury, and no conviction thereof shall bar any prosecution under Section 8 of this Article.

SEC. 4. The General Assembly shall provide by law for a uniform biennial registration of the names of all the voters in this state who possess the qualifications prescribed in this Article, which registration shall be conclusive evidence to the election officers of the right of every person so registered to vote at the general election next thereafter, who is not disqualified under the provision of Section 3 of this Article; but no person shall vote at such election unless his name appears in the list of registered voters.

Such registration shall be commenced not more than one hundred and twenty days nor less than sixty days before and be completed not more than twenty nor less than ten days before such election. Application for registration may be made on at least five days during the said period; provided, however, that such registration may be corrected as hereinafter provided, at any time prior to the day of holding the election.

Voters shall be registered upon personal application only.[5]

[5]This paragraph of section 4 originally read as follows: Voters shall be registered upon personal application only; *and each voter shall, at the time of his registration, pay a registration fee of one dollar, for the use of the county where such registration fee is paid.* The part in italics was stricken out by an amendment adopted by a two-thirds vote of the members of the general assemblies of 1905-1907.

From the decision of the registration officers granting or refusing registration, or striking or refusing to strike a name or names from the registration list, any person interested, or any registration officer, may appeal to the resident Associate Judge of the county, or in case of his disability or absence from the county, to any judge entitled to sit in the Supreme Court, whose determination shall be final; and he shall have power to order any name improperly omitted from the said registry to be placed thereon, and any name improperly appearing on the said registry to be stricken therefrom, and any name appearing on the said registry, in any manner incorrect, to be corrected, and to make and enforce all necessary orders in the premises for the correction of the said registry. Registration shall be required only for general biennial elections at which Representatives to the General Assembly shall be chosen, unless the General Assembly shall otherwise provide by law.

The existing laws in reference to the registration of voters, so far as consistent with the provisions of this Article, shall continue in force until the General Assembly shall otherwise provide.

SEC. 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from them.

SEC. 6. The presiding election officer of each hundred or election district, on the day next after the general election, shall deliver one of the certificates of the election, made and certified as required by law, together with the ballot box or ballot boxes, containing the ballots, and other papers required by law to be placed therein, to the Prothonotary of the Superior Court of the County, who shall at twelve o'clock noon on the second day after the election present the same to the said court, and the election officer or officers having charge of any other certificate or certificates of the election shall at the same time present the same to the said court, and the said court shall at the same time convene for the performance of the duties hereby imposed upon it; and thereupon the said court, with the aid of such of its officers and such sworn assistants as it shall appoint, shall publicly ascertain the state of the election throughout the county, by calculating the aggregate amount of all the votes for each office that shall be given in all the hundreds and election districts of the county for every person voted for for such office.

In case the certificates of election of any hundred or election district shall not be produced, or in case the certificates produced do not agree, or in case of complaint under oath or fraud or mistake in any such certificate, or in case fraud or mistake is apparent on the face of any such certificate, the court shall have power to issue summary process against the election officers or any other persons to bring them forthwith into court with the election papers in their possession or control, and to open the ballot boxes and take therefrom any paper contained therein, and to make a recount of the ballots contained therein, and to correct any fraud or mistake in any certificate or paper relating to such election.

The said court shall have all other the jurisdiction and powers now vested by law in the boards of canvass, and such other powers as shall be provided by law.

After the state of the election shall have been ascertained as aforesaid, the said court shall make certificates thereof, under the seal of said court in the form required by law, and transmit, deliver and lodge the same as required by this Constitution or by law, and deliver the ballot boxes to the sheriff of the county, to be by him kept and delivered as required by law.

No act or determination of the court in the discharge of the duties imposed upon it by this section shall be conclusive in the trial of any contested election.

For the purposes of this section the Superior Court shall consist in New Castle County of the Chief Justice and the resident Associate Judge; in Kent County of the Chancellor and the resident Associate Judge; and in Sussex County of the resident Associate Judge and the remaining Associate Judge.

Two shall constitute a quorum. The Governor shall have power to com-

mission a judge for the purpose of constituting a quorum when by reason of legal exception to the Chancellor or any judge, or for any other cause, a quorum could not otherwise be had.

SEC. 7. Every person who either in or out of the State shall receive or accept, or offer to receive or accept, or shall pay, transfer or deliver, or offer or promise to pay, transfer or deliver, or shall contribute, or offer or promise to contribute, to another to be paid or used, any money or other valuable thing as a compensation, inducement or reward for the giving or withholding, or in any manner influencing the giving or withholding, a vote at any general, special, or municipal election in this State, or at any primary election, convention or meeting held for the purpose of nominating any candidate or candidates to be voted for at such general, special or municipal election; or who either in or out of the State shall make or become directly or indirectly a party to any bet or wager depending upon the result of any such general, special, municipal or primary election or convention or meeting, or upon a vote thereat by any person; or who either in or out of the State shall, by the use or promise of money or other valuable thing, or otherwise, cause or attempt to cause any officer of election or registration officer to violate his official duty; or who either in or out of the State shall by the use or promise of money or other valuable thing influence or attempt to influence any person to be registered or abstain from being registered; or who, being an officer of election or registration officer, shall knowingly and willfully violate his official duty; or who shall by force, threat, menace or intimidation, prevent or hinder, or attempt to prevent or hinder, any person qualified for registration from being registered or any person qualified to vote from voting according to his choice at any such general, special or municipal election, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned for a term not less than one month nor more than three years, or shall suffer both fines and imprisonment within said limits, at the discretion of the court; and, if a male, shall further for a term of ten years next following his sentence, be incapable of voting at any such general, special, municipal or primary election or convention or meeting; but the penalty of disfranchisement shall not apply to any person making or being a party to any bet or wager, depending upon the result of any such general, special, municipal or primary election or convention or meeting. Every person charged with the commission while out of the State of any of the offenses enumerated in this section, and by this section made punishable, whether committed in or out of the State, may be prosecuted under Section 8 of this Article in any county in which he shall be arrested on such charge. No person, other than the accused, shall, in the prosecution for any offense mentioned in this section, be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

SEC. 8. Every prosecution for any of the offenses mentioned in Section 7 of this Article shall be on information filed by the Attorney-General, after examination and commitment or holding to bail by a judge or Justice of the Peace, and the cause shall be heard, tried and determined by the court without the intervention of either a grand jury or petit jury. The accused if adjudged guilty of the offense charged against him, shall have the right at any time within the space of three calendar months next after sentence is pronounced to an appeal to the Supreme Court. The court below, or any judge thereof, in term time or vacation, shall upon application by the accused allow such appeal; but such appeal shall not operate as a supersedeas unless the appellant shall at the time of the allowance thereof give an appeal bond to the State of Delaware in such amount and with such surety as shall be approved by such court or judge. On such appeal the Supreme Court shall, with all convenient speed, review the evidence adduced in the cause in the court below, as well as the other proceedings therein; and the law applicable thereto, and give final judgment accordingly, either affirming or reversing

the judgment below. If the appellant shall fail to prosecute his appeal pursuant to the rules and practice hereinafter provided for, the Supreme Court shall affirm the judgment of the court below. Where the sentence in the court below includes a term of imprisonment and an appeal bond is given and approved in manner aforesaid, the Supreme Court, if it affirm the judgment below, shall sentence the appellant to a term of imprisonment equal to that imposed by the court below, after deducting therefrom a period equal to the time of imprisonment, if any, already suffered by him under the sentence of the court below. The surety or sureties in any appeal bond given under the provisions of this section shall have the right at any time after its approval and until final judgment shall be rendered by the Supreme Court, and, in case the judgment of the court below shall be affirmed, until the expiration of the space of thirty days next following such affirmance, to take, wherever found, and render the appellant to the sheriff of the county in which he was sentenced; and a certified copy of the appeal bond shall be the sufficient warrant for such surety or sureties for taking and rendering. If the Supreme Court shall reverse any judgment of the court below imposing a fine, and if the accused shall have fully paid such fine and the costs of prosecution, the amount thereof shall be refunded to the appellant through a warrant drawn by the court below on the treasurer of the county in which the accused was sentenced. All the judges entitled to sit in the Supreme Court shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall adopt rules prescribing the forms and conditions of appeal bonds to be used under the provisions of this section, and the manner of certifying copies thereof, providing for the printing or reduction to writing of all oral evidence in the cause in the court below and of the opinion of said court, for the certification of the same when so printed or reduced to writing, and of copies thereof; for the copying and certification of all documentary or other written or printed evidence in the court below and of the record therein; for the transmission to the Supreme Court of such certified copies of such record, and of all the evidence adduced in the court below and of the opinion of said court for the transmission to the court below of a certified copy of the final judgment of the Supreme Court and of any additional sentence pronounced by said court, for the discharge of securities in appeal bonds, and for the framing, issuance, service and enforcement of all process and rules necessary to give full effect to the provisions of this section; and regulating generally the practice and procedure of the Supreme Court and the court below in cases of appeal under this section. The said judges, or a majority of them, met as aforesaid, may also provide that when complaint shall be made in due form, prescribed by them, to any judge entitled to sit in the Supreme Court, that any offense mentioned in Section 7 of this Article has been committed in the county in which such judge shall reside, or out of the State, such judge shall have power to cause the person charged with such offense to be arrested within any county of this State and brought before him, and to bind him with sufficient surety, or, for want of bail, commit him for his appearance and answer at the next term of the Court of General Sessions in such manner and under and pursuant to such rules and regulations as the said judges, or a majority of them, shall prescribe. From time to time hereafter, whenever a majority of all the judges entitled to sit in the Supreme Court shall so request, all of the judges so entitled shall, as soon as conveniently may be, meet at the usual place of sitting of said court, and they, or a majority of them, shall have power to revise, amend, add to or annul, any rule or rules theretofore adopted touching forms, practice or procedure in cases of appeal under this section, or arrest and binding or commitment for appearance and answer, in such manner and to such extent as in their judgment shall best serve to effectuate the purposes hereof. No person shall be adjudged guilty of an offense mentioned in Section 7 of this Article without the concurrence of all of the judges trying the case; and upon appeal no judgment of the court below shall be affirmed without the concurrence of all of the judges of the Supreme Court sitting in the case, and their failure

concur as aforesaid shall operate as a reversal of the judgment of the urt below; provided, however, that such concurrence of the judges sitting the Supreme Court shall not be necessary for the affirmance of the judgent of the court below where the appellant shall fail to prosecute his appeal ursuant to the rules and practices herein provided for.

SEC. 9. The enumeration of the offenses mentioned in Section 7 of this rticle shall not preclude the General Assembly from defining and providing r the punishment of other offenses against the freedom and purity of the llot, or touching the conduct, returns or ascertainments of the result of neral, special or municipal elections, or of primary elections, conventions or eetings held for the nomination of candidates to be voted for at general, ecial or municipal elections. No prosecution under any act of the General ssembly passed pursuant to this section shall be subject to the provisions of ection 8 of this Article.

ARTICLE VI.

IMPEACHMENT AND TREASON.

SECTION 1. The House of Representatives shall have the sole power of peaching; but two-thirds of all the members must concur in an impeachent. All impeachments shall be tried by the Senate, and when sitting for at purpose, the Senators shall be upon oath or affirmation to do justice cording to the evidence. No person shall be convicted without the concurnce of two-thirds of all the Senators.

On the trial of an impeachment against the Governor or Lieutenant-Govnor, the Chief Justice, or, in case of his absence or disability, the Chancellor all preside; and on the trial of all other impeachments the President of e Senate shall preside.

SEC. 2. The Governor and all other civil officers under this State shall be ble to impeachment for treason, bribery, or any high crime or misdemeanor office. Judgment in such cases shall not extend further than to removal om office, and disqualification to hold any office of honor, trust, or profit, der this State; but the party convicted shall, nevertheless, be subject to dictment, trial, judgment and punishment according to law.

SEC. 3. Treason against this State shall consist only in levying war ainst it, or in adhering to the enemies of the Government, giving them d and comfort. No person shall be convicted of treason unless on the testiony of two witnesses to the same overt act or on confession in open court.

ARTICLE VII.

PARDONS.

SECTION 1. The Governor shall have power to remit fines and forfeitures d to grant reprieves, commutations of sentence and pardons, except in cases impeachment; but no pardon, or reprieve for more than six months, shall granted, nor sentence commuted, except upon the recommendation in writing a majority of the Board of Pardons after full hearing; and such recomendation, with the reasons therefor at length, shall be filed and recorded in e office of the Secretary of State, who shall forthwith notify the Governor ereof.

He shall fully set forth in writing the grounds of all reprieves, pardons d remissions, to be entered in the register of his official acts and laid before e General Assembly at its next session.

SEC. 2. The Board of Pardons shall be composed of the Chancellor, Lieuant-Governor, Secretary of State, State Treasurer and Auditor of Accounts.

SEC. 3. The said board may require information from the Attorney-Gend upon any subject relating to the duties of said board.

ARTICLE VIII.

REVENUE AND TAXATION.

SECTION 1. All taxes shall be uniform upon the same class of subjects thin the territorial limits of the authority levying the tax, and shall be

levied and collected under general laws, but the General Assembly may b general laws exempt from taxation such property as in the opinion of th General Assembly will best promote the public welfare.

Sec. 2. All bills for raising revenue shall originate in the House of Re resentatives; but the Senate may propose alterations as on other bills; and n bill from the operation of which, when passed into a law, revenue may inc dentally arise shall be accounted a bill for raising revenue; nor shall an matter or cause whatever not immediately relating to and necessary for raisin revenue be in any manner blended with or annexed to a bill for raisin revenue.

Sec. 3. No money shall be borrowed or debt created by or on behalf o the State but pursuant to an Act of the General Assembly, passed with th concurrence of three-fourths of all the members elected to each House, excep to supply casual deficiencies of revenue, repel invasions, suppress insurre tion, defend the State in war, or pay existing debts; and any law authorizin the borrowing of money by or on behalf of the State shall specify the pu pose for which the money is to be borrowed, and the money so borrowe shall be used exclusively for such purpose; but should the money so bo rowed or any part thereof be left after the abandonment of such purpose o the accomplishment thereof, such money, or the surplus thereof, may be di posed of according to law.

Sec. 4. No appropriation of the public money shall be made to, nor th bonds of this State be issued or loaned to any county, municipality or corpo ration, nor shall the credit of the State, by the guarantee or the endorsemen of the bonds of other undertakings of any county, municipality or corporatio be pledged otherwise than pursuant to an Act of the General Assembly, passe with the concurrence of three-fourths of all the members elected to each Hous

Sec. 5. The General Assembly shall provide for levying and collectin a capitation tax from every male citizen of the State of the age of twent one years or upwards; but such tax to be collected in any county shall b uniform throughout that county, and such capitation tax shall be used ex clusively in the county in which it is collected.

Sec. 6. No money shall be drawn from the treasury but pursuant to a appropriation made by Act of the General Assembly; provided, however, tha the compensation of the members of the General Assembly and all expense connected with the session thereof may be paid out of the treasury pursuan to resolution in that behalf; a regular account of the receipts and expend tures of all public money shall be published annually.

Sec. 7. In all assessments of the value of real estate for taxation, th value of the land and the value of the buildings and improvements thereo shall be included. And in all assessments of the rental value of real estat for taxation, the rental value of the land and the rental value of the building and the improvements thereon shall be included. The foregoing provisions o this section shall apply to all assessments of the value of real estate or of th rental value thereof for taxation for State, county, hundred, school, municip or other public purposes.

Sec. 8. No county, city, town or other municipality shall lend its credi or appropriate money to, or assume the debt of, or become a shareholde or joint owner in or with any private corporation or any person or compan whatever.

ARTICLE IX.

CORPORATIONS.

Section 1. No corporation shall hereafter be created, amended, renewe or revived by special act, but only by or under general law, nor shall an existing corporate charter be amended, renewed or revived by special ac but only by or under general law; but the foregoing provisions shall not appl to municipal corporations, banks or corporations for charitable, penal, reform tory, or educational purposes, sustained in whole or in part by the State. Th General Assembly shall, by general law, provide for the revocation or forfeitu of the charters of all corporations for the abuse, misuse, or non-use of the

orporate powers, privileges or franchise. Any proceeding of such revocation r forfeiture, shall be taken by the Attorney-General, as may be provided y law. No general incorporation law, nor any special act of incorporation, shall e enacted without the concurrence of two-thirds of all the members elected to ach House of the General Assembly.

SEC. 2. No corporation in existence at the adoption of this Constitution hall have its charter amended or renewed without first filing, under the cor- orate seal of said corporation, and duly attested, in the office of the Secre ary of State, an acceptance of the provisions of this Constitution.

SEC. 3. No corporation shall issue stock, except for money paid, labor one or personal property, or real estate or leases thereof actually acquired y such corporation.[6]

SEC. 4. The rights, privileges, immunities and estates of religious societies nd corporate bodies, except as herein otherwise provided, shall remain as ' the Constitution of this State had not been altered.

SEC. 5. No foreign corporation shall do any business in this State through r by branch offices, agents or representatives located in this State, without aving an authorized agent or agents in the State upon whom legal process ay be served.

SEC. 6. Shares of the capital stock of corporations created under the ws of this State, when owned by persons or corporations without this State, hall not be subject to taxation by any law now existing or hereafter to be ade.[7]

ARTICLE X.

EDUCATION.

SECTION 1. The General Assembly shall provide for the establishment nd maintenance of a general and efficient system of free public schools, and ay require by law that every child, not physically or mentally disabled, shall ttend the public school, unless educated by other means.

SEC. 2. In addition to the income of the investments of the Public School und, the General Assembly shall make provision for the annual payment of ot less than one hundred thousand dollars for the benefit of the free public chools which, with the income of the investments of the Public School Fund, hall be equitably apportioned among the school districts of the State as the Gen ral Assembly shall provide; and the money so apportioned shall be used ex- usively for the payment of teachers' salaries and for furnishing free text ooks; provided, however that in such apportionment, no distinction shall be ade on account of race or color, and separate schools for white and colored hildren shall be maintained. All other expenses connected with the mainte ance of free public schools, and all expenses connected with the erection or epair of free public school buildings shall be defrayed in such manner as hall be provided by law.

SEC. 3. No portion of any fund now existing, or which may hereafter be ppropriated, or raised by tax, for educational purposes, shall be appropriated , or used by, or in aid of any sectarian, church or denominational school; rovided, that all real or personal property used for school purposes, where he tuition is free, shall be exempt from taxation and assessment for public urposes.

SEC. 4. No part of the principal or income of the Public School Fund, now

[6]The original text of section 3 is as follows: Section 3. No corporation shall ssue stock, except for money paid, labor done or personal property, or real estate r leases thereof actually acquired by such corporation; *and neither labor nor roperty shall be received in payment of stock at a greater price than the actual alue at the time the said labor was done or property delivered or title acquired.* he part in italics was stricken out by an amendment adopted by a two-thirds ote of the members of the general assemblies of 1901 and 1903.

[7]Amendment adopted by a two-thirds vote of the members of the general ssemblies of 1901 and 1903. The text of the original section it as follows: Section In all elections for directors or managers of stock corporations each share older shall be entitled to one vote for each share of stock he may hold.

or hereafter existing, shall be used for any other purpose than the support o free public schools.

ARTICLE XI.

AGRICULTURE.

SECTION 1. There shall be a department established and maintained, know as the State Board of Agriculture.

SEC. 2. The said board shall be composed of three Commissioners o Agriculture, one of whom shall reside in each county of the State. Any tw of them shall constitute a quorum for the transaction of business.

SEC. 3. The said Commissioners of Agriculture shall be appointed by th Governor, by and with the consent of a majority of all the members elected t the Senate, one for the term of one year, one for the term of two years, an one for the term of three years; and thereafter all appointments of Commis sioners of Agriculture shall be made as aforesaid for the term of three years and they shall hold office until their successors are duly qualified; provided that any vacancy occurring in the office of Commissioner of Agriculture befor the expiration of a term shall be filled by appointment as aforesaid for th remainder of the term; and provided further, that in case such vacancy sha occur when the Senate is not in session, such vacancy may be filled by th Governor without confirmation by the Senate until the end of the next sessio of the Senate.

SEC. 4. The said board shall have power to abate and prevent, by suc means as the General Assembly shall prescribe, all contagious and infectiou diseases of fruit trees, plants, vegetables, cereals, horses, cattle and other far animals.

SEC. 5. The said Commissioners may devise such plans for securing imm gration to this State of industrious and useful settlers as they may deem exp dient, and such plans may be executed as prescribed by the General Assembl

SEC. 6. The General Assembly shall provide by law for the compensatio of the members of said board.

SEC. 7. The Board of Agriculture hereby established shall continue f eight years from the date of the qualification of the first member thereof, aft which it may be abolished by the General Assembly.

ARTICLE XII.

HEALTH.

The General Assembly shall provide for the establishment and maint nance of a State Board of Health, which shall have supervision of all matte relating to public health, with such powers and duties as may be prescribed l law; and also for the establishment and maintenance of such local boards health as may be necessary, to be under the supervision of the State Boar to such extent and with such powers as may be prescribed by law.

ARTICLE XIII.

LOCAL OPTION.

SECTION 1. The General Assembly may from time to time provide by la for the submission to the vote of the qualified electors of the several distric of the State, or any of them, mentioned in Section 2 of this Article, the qu tion whether the manufacture and sale of intoxicating liquors shall be licens or prohibited within the limits thereof; and in every district in which there a majority against license, no person, firm or corporation shall thereafter ma ufacture or sell spirituous, vinous or malt liquors, except for medicinal or sa ramental purposes, within said district, until at a subsequent submission such question a majority of votes shall be cast in said district for licens Whenever a majority of all the members elected to each House of the Gener Assembly by the qualified electors in any district named in Section 2 of th Article shall request the submission of the question of license or no license a vote of the qualified electors in said district, the General Assembly shall pr

ide for the submission of such question to the qualified electors in such district t the next general election thereafter.

SEC. 2. Under the provisions of this Article, Sussex County shall comprise ne district, Kent County one district, the City of Wilmington, as its corporate mits now are or may be hereafter extended, one district, and the remaining art of New Castle County one district.

SEC. 3. The General Assembly shall provide necessary laws to carry out nd enforce the provisions of this Article, enact laws governing the manuacture and sale of intoxicating liquors under the limitations of this Article, nd provide such penalties as may be necessary to enforce the same.

ARTICLE XIV.

OATH OF OFFICE.

Members of the General Assembly and all public officers, executive and udicial, except such inferior officers as shall be by law exempted, shall, before ney enter upon the duties of their respective offices, take and subscribe the ollowing oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of he United States, and the Constitution of the State of Delaware, and that I ill faithfully discharge the duties of the office of ————, according to he best of my ability;" and all such officers, except as aforesaid, who shall ave been chosen at any election, shall, before they enter upon the duties of heir respective offices, take, and subscribe the oath or affirmation above preribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or ndirectly paid, offered or promised to pay, contributed, or offered or promised o contribute, any money or other valuable thing as a consideration or reward or the giving or withholding a vote at the election at which I was elected to aid office."

No other oath, declaration or test shall be required as a qualification for ny office of public trust.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. The Chancellor, Judges and Attorney-General shall be conervators of the peace throughout the State; and the Sheriffs and Coroners hall be conservators of the peace within the counties respective in which they eside.

SEC. 2. No public officer shall receive any fees without giving to the perin paying the same a receipt therefor, if required, therein specifying every em and charge.

SEC. 3. No costs shall be paid by a person accused, on a bill returned noramus, nor on acquittal.

SEC. 4. No law shall extend the term of any public officer or diminish his alary or emoluments after his election or appointment.

SEC. 5. All public officers shall hold their respective offices until their uccessors shall be duly qualified, except in cases herein otherwise provided.

SEC. 6. All public officers shall hold their offices on condition that they ehave themselves well. The Governor shall remove from office any public fficers convicted of misbehavior in office or of any infamous crime.

SEC. 7. The matters within Section 30 of Article IV and Sections 7 and 8 f Article V are excepted from the provision of the Constitution that "No perin shall for any indictable offense be proceeded against criminally by infornation," and also from the provisions of the Constitution concerning trial by ury.

SEC. 8. All stationery, printing, paper and fuel used in the legislative nd other departments of government shall be furnished, and the printing, inding and distributing of the laws, journals, official reports, and all other rinting and binding, and the repairing and furnishing the halls and rooms

used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law. Such bids shall be opened in the presence of the persons making the bids or their representatives.

No member or officer of any department of the government shall be in any way interested in any such contract when awarded to or by any such member, officer or department.

SEC. 9. This Constitution shall be prefixed to every codification of the Laws of this State.

ARTICLE XVI.

AMENDMENTS AND CONVENTIONS.

SEC. 1. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by two-thirds of all the members elected to each House, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and the Secretary of State shall cause such proposed amendment or amendments to be published three months before the next general election in at least three newspapers in each county in which such newspapers shall be published; and if in the General Assembly next after the said election such proposed amendment or amendments shall upon a yea and nay vote be agreed to by two-thirds of all the members elected to each House, the same shall thereupon become part of the Constitution.

SEC. 2. The General Assembly by a two-thirds vote of all the members elected to each House may from time to time provide for the submission to the qualified electors of the State at the general election next thereafter this question, "Shall there be a Convention to revise the Constitution and amend the same?"; and upon such submission, if a majority of those voting on said question shall decide in favor of a Convention for such purpose, the General Assembly at its next session shall provide for the election of delegates to such convention at the next general election. Such Convention shall be composed of forty-one delegates, one of whom shall be chosen from each Representative District by the qualified electors thereof, and two of whom shall be chosen from New Castle County, two from Kent County and two from Sussex County by the qualified electors thereof respectively. The delegates so chosen shall convene at the Capital of the State on the first Tuesday in September next after their election. Every delegate shall receive for his services such compensation as shall be provided by law. A majority of the Convention shall constitute a quorum for the transaction of business. The Convention shall have power to appoint such officers, employees and assistants as it may deem necessary, and fix their compensation, and provide for the printing of its documents, journals, debates and proceedings. The Convention shall determine the rules of its proceedings, and be the judge of the elections, returns and qualifications of its members. Whenever there shall be a vacancy in the office of delegate from any district or county by reason of failure to elect, ineligibility, death, resignation or otherwise, a writ of election to fill such vacancy shall be issued by the Governor, and such vacancy shall be filled by the qualified electors of such district and county.

SEC. 3. The General Assembly shall provide for receiving, tallying and counting the votes for or against a Convention, and for returning to the General Assembly at its next session the state of such vote; and shall also enact all provisions necessary for giving effect to this Article.

SEC. 4. No bill or resolution passed by the General Assembly under or pursuant to the provisions of this Article, shall require for its validity the approval of the Governor, and the same shall be exempt from the provisions of Section 18 or Article III, of this Constitution.

SEC. 5. In voting at any general election, upon the question, "Shall there be a Convention to revise the Constitution and amend the same?", the ballots shall be separate from those cast for any person voted for at such election, and shall be kept distinct and apart from all other ballots.

SCHEDULE.

That no inconvenience may arise from the amendments of the Constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained as follows:

SECTION 1. The President of this Convention, immediately on its adjournment, shall deliver the enrolled copy of this amended Constitution and Schedule to the Secretary of State, who shall file the same in his office, and the Secretary of this Convention shall cause the same to be published three times in two newspapers in each county of the State.

SEC. 2. This amended Constitution shall take effect on the tenth day of June in the year one thousand eight hundred and ninety-seven.

SEC. 3. The offices of the present Senators and Representatives shall not be vacated or otherwise affected by this amended Constitution, except that the Senators whose terms do not expire on the day of the next general election shall thereafter represent the districts in which they now reside until the end of the terms for which they were elected.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected from each of the even numbered Senatorial District in the State, except District number two in New Castle County, District number four in Kent County, and District number two in Sussex County, a Senator for the term of two years, and from each of the odd numbered Senatorial Districts in the State a Senator for the term of four years.

And thereafter, as the said terms shall from time to time expire a Senator shall be elected from each of the said Senatorial Districts for the full term of four years.

At the general election to be held in the year one thousand eight hundred and ninety-eight, there shall be elected in each Representative District in the State one Representative for the term of two years.

SEC. 4. The terms of Senators and Representatives shall begin on the day next after their election.

SEC. 5. The first general election under this amended Constitution shall be held on the Tuesday next after the first Monday in the month of November in the year one thousand eight hundred and ninety-eight.

SEC. 6. The term of office of the present Governor shall not be vacated, or in any wise affected by this amended Constitution.

SEC. 7. Unless otherwise provided by this amended Constitution or Schedule, all persons elected or appointed before this amended Constitution shall take effect, to State or county offices made elective by this amended Constitution, whose terms will expire before the first Tuesday in January in the year one thousand eight hundred and ninety-nine, shall hold their respective offices until the said last mentioned day; and all persons elected or appointed as aforesaid to such offices, whose terms will expire between the said first Tuesday in January in the year one thousand eight hundred and ninety-nine and the first Tuesday in January in the year one thousand nine hundred and one, shall hold their respective offices until the said last mentioned day; and all persons elected or appointed as aforesaid to such offices, whose terms will expire between the said first Tuesday in January in the year one thousand nine hundred and one and the first Tuesday in January in the year one thousand nine hundred and three, shall hold their respective offices until the said last mentioned day; and the successors of such persons shall be elected at the general election next before the expiration of the terms as hereby extended; provided, however, that the successors of the present Auditor of Accounts, State Treasurer and Insurance Commissioner shall be elected at the general election next preceding the expiration of their several terms of office, and the person so elected shall enter upon the duties of their respective offices on the first Tuesday in January following their election. The officers whose terms of office are extended by this section shall renew their official obligations upon the expiration of their present terms.

SEC. 8. The terms of office of all State and County Officers made elective by this amended Constitution shall commence on the first Tuesday in January

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing therein):

SECTION 1. That Section 4 of Article V of the Constitution this State, be and the same is hereby amended by striking out of said Section 4 the following words: "and each voter shall, at the time of his registration, pay a registration fee of one dollar, for the use of the County where such registration is paid."

Approved January 21, A. D. 1907.

CHAPTER 1, VOLUME 27.

An Act proposing an amendment to Section 10 of Article II of the Constitution of the State of Delaware, in relation to the journals of the Legislature.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):

SECTION 1. That Section 10 of Article II of the Constitution of the State of Delaware be amended by striking out all of said Section 10 of Article II, and inserting in lieu thereof the following:

SEC. 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy. The names of the members voting for and against any bill or joint resolution, except in relation to adjournment, shall on the final vote be entered on the journal; and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, nor without the concurrence of a majority of all the members elected to each House.

CHAPTER 2, VOLUME 27.

An Act to amend Section 19, Article II, of the Constitution of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each House concurring therein):

SECTION 1. That Section 19, Article II, of the Constitution of the State of Delaware, be amended by adding to the end thereof the following words:

Provided, however, that the General Assembly may by a vote of two-thirds of all the members elected to each House pass laws relating to the laying out, opening, alteration or maintenance of any road or highway which forms a continuous road or highway extending through at least a portion of the three counties of the State.

CHAPTER 3, VOLUME 27.

SECTION 6. Subject to the provisions of Section 5 of this article, two or more sessions of the Superior Court, or Court of General Sessions, or one or more sessions of each of the said court, or one session of the Court of Oyer and Terminer, and one or two of either, or one of each of the other of the said Courts may at the same time be held in the same county or in different counties, or the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively.

prior to the first Tuesday in January in the year one thousand eight hundred and ninety-nine.

SEC. 14. Until the General Assembly shall enact a general incorporation law as provided for in Section 1 of Article IX of this amended Constitution, existing corporations may be renewed for a period not exceeding four years, without change or enlargement of their corporate powers or duties, in the manner lawful before this amended Constitution shall take effect.

SEC. 15. Until the General Assembly shall otherwise provide, guardians' accounts shall be filed with and be adjusted and settled by the Register of Wills for the county, and be subject to exception, hearing, adjustment and settlement in the Orphans' Court for the county as before this amended Constitution took effect.

SEC. 16. Unless otherwise provided by this amended Constitution or Schedule, the terms of persons holding public offices to which they have been elected or appointed at the time this amended Constitution and Schedule shall take effect, shall not be vacated or otherwise affected thereby.

SEC. 17. One or more vacancies in the Board of Pardons shall not invalidate any act of the remaining members of said Board not less than three in number.

SEC. 18. All the laws of this State existing at the time this Constitution shall take effect, and not inconsistent with it, shall remain in force, except so far as they shall be altered by future laws.

SEC. 19. The General Assembly, as soon as conveniently may be after this Constitution shall take effect, shall enact all laws necessary or proper for carrying out the provisions thereof.

Done in convention, the fourth day of June in the year of our Lord one thousand eight hundred and ninety-seven and of the Independence of the United States of America the one hundred and twenty-first.

In testimony whereof, we have hereunto subscribed our names.

JOHN BIGGS, *President.*

Attest:

CHARLES R. JONES, *Secretary of C. C.*

AMENDMENTS TO CONSTITUTION OF 1897.

AN ACT Proposing Amendments to Article 9 of the Constitution of the State of Delaware concerning Corporations.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members elected to each House agreeing):

Section 1. That the following amendments be and the same are hereby proposed to Article 9 of the Constitution of this State:

First. That all of Section 3 of Article 9 of the Constitution of this State after the word "Corporation," where it occurs the second time in Section 3, be stricken out.

Sec. 2. That Section 6 of said Article be stricken out and in lieu thereof substitute and adopt the following, viz.:

"Section 6. Shares of the capital stock of corporations created under the laws of this State, when owned by persons or corporations without this State, shall not be subject to taxation by any law now existing or hereafter to be made." Approved March 17, A. D. 1903.

AN ACT Proposing an Amendment to Section 4 of Article V, of the Constitution of this State by striking out of said Section all thereof which Requires the Payment of Money as a Qualification to Register.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing therein):

Section 1. That Section 4 of Article V of the Constitution this State, be and the same is hereby amended by striking out of said Section 4 the following words: "and each voter shall, at the time of his registration, pay a registration fee of one dollar, for the use of the County where such registration is paid." Approved January 31, A. D. 1907.

AN ACT Proposing an Amendment to Section 10 of Article II of the Constitution of the State of Delaware, in relation to the Journals of the Legislature.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):—

Section 1. That Section 10 of Article II of the Constitution of the State of Delaware be amended by striking out all of said Section 10 of Article II and inserting in lieu thereof the following:—

"Section 10. Each House shall keep a journal of its proceedings, and publish the same immediately after every session, except such parts as may require secrecy. The names of the members voting for and against any bill or joint resolution, except in relation to adjournment, shall on the final vote be entered on the journal; and the yeas and nays of the members on any question shall, at the desire of any member, be entered on the journal. No bill or joint resolution, except in relation to adjournment, shall pass either House unless the final vote shall have been taken by yeas and nays, nor without the concurrence of a majority of all the members elected to each House." Approved February 28, A. D. 1913.

AN ACT to Amend Section 19, Article II, of the Constitution of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members of each House concurring therein):—

Section 1. That Section 19, Article 2, of the Constitution of the State of Delaware, be amended by adding to the end thereof the following words: "provided, however, that the General Assembly may by a vote of two-thirds of all the members elected to each House pass laws relating to the laying out, opening, alteration or maintenance of any road or highway which forms a continuous road or highway extending through at least a portion of the three counties of the State." Approved March 17, A. D. 1913.

AN ACT Proposing Certain Amendments to Article IV of the Constitution of this State, relating to the number of Judges constituting a quorum in the Superior Court, the Court of General Sessions and the Court of Oyer and Terminer, the sessions of said courts, and the distribution of the business therein, respectively.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of all the members elected to each House agreeing thereto):—

Section 1. That Section 5 of Article IV of the Constitution of this State be, and the same is, hereby amended by striking out all of said Section after the first paragraph thereof and substituting therefor the following new paragraph, to-wit:

"The said five judges shall designate those of their number who shall hold the said Courts in the several Counties. No more than three of them shall sit together in any of the said Courts. In each of the said Courts the Chief Justice when present shall preside, and in his absence the senior Associate Judge present shall preside.

"One shall constitute a quorum in the said Courts, respectively, except in the Court of Oyer and Terminer, where three shall constitute a quorum, and except in the Superior Court sitting to hear appeals from the Orphans' Court or a Register's Court, when two shall constitute a quorum, and except in the Court of General Sessions sitting to try cases of prosecution under Section 8 of Article V of this Constitution or sitting to hear contested applications for license to sell intoxicating liquors when two shall constitute a quorum. One judge may open and adjourn any of said Courts."

Sec. 2. That Article IV of the Constitution of this State be, and the same is hereby amended by striking out all of Section 6 thereof and substituting therefor the following new Section 6, to-wit:

"Section 6. Subject to the provisions of Section 5 of this Article, two or more sessions of the Superior Court, or Court of General Sessions, or one or more sessions of each of the said Court, or one session of the Court of Oyer and Terminer, and one or two of either, or one of each of the other of the said courts, may at the same time be held in the same County or in different counties, and the business in the several counties may be distributed and apportioned in such manner as shall be provided by the rules of the said courts respectively." Approved March 12, A. D. 1913.

CONSTITUTION OF FLORIDA—1885.*

PREAMBLE.

We, the people of the State of Florida, grateful to Almighty God for our constitutional liberty, in order to secure its blessings and to form a more perfect government, insuring domestic tranquility, maintaining public order, and guaranteeing equal civil and political rights to all, do ordain and establish this Constitution.

DECLARATION OF RIGHTS.

SECTION 1. All men are equal before the law, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing happiness and obtaining safety.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the citizens, and they have the right to alter or amend the same whenever the public good may require it; but the paramount allegiance of every citizen is due to the Federal Government, and the people of this State have no power to dissolve its connection therewith.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever.

SEC. 4. All courts in this State shall be open, so that every person for any injury done him in his lands, goods, person or reputation shall have remedy, by due course of law, and right and justice shall be administered without sale, denial or delay.

SEC. 5. The free exercise and enjoyment of religious profession and worship shall forever be allowed in this State, and no person shall be rendered incompetent as a witness on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to justify licentiousness or practices subversive of, or inconsistent with, the peace or moral safety of the State or society.

SEC. 6. No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution.

SEC. 7. The writ of *habeas corpus* shall be grantable speedily and of right, freely and without cost, and shall never be suspended unless, in case of rebellion or invasion, the public safety may require its suspension.

SEC. 8. Excessive bail shall not be required, nor excessive fines be imposed, nor cruel or unusual punishment or indefinite imprisonment be allowed, nor shall witnesses be unreasonably detained.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great.

SEC. 10. No person shall be tried for a capital crime or other felony, unless on presentment or indictment by a grand jury, except as is otherwise provided in this Constitution, and except in cases of impeachment, and in cases in the militia when in active service in time of war, or which the State, with the consent of Congress, may keep in time of peace.

SEC. 11. In all criminal prosecutions the accused shall have the right to a speedy and public trial, by an impartial jury, in the county where the crime was committed, and shall be heard by himself, or counsel, or both, to demand

*The constitution of Florida was drafted by a convention which met at Tallahassee on June 9, 1885, and completed its labors on August 3, 1885. At the November election of 1886, the constitution as a whole and Article XIX were submitted to the voters for ratification. The constitution was ratified by a vote of 31,803 to 21,243 and Article XIX, concerning local option relative to the sale of intoxicating liquors, was ratified by a vote of 29,831 to 12,902. The constitution became effective on January 1, 1887.

the nature and cause of the accusation against him, to meet the witnesses against him face to face, and have compulsory process for the attendance of witnesses in his favor, and shall be furnished with a copy of the indictment against him.

SEC. 12. No person shall be subject to be twice put in jeopardy for the same offense, nor compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law; nor shall private property be taken without just compensation.

SEC. 13. Every person may fully speak and write his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libel the truth may be given in evidence to the jury, and if it shall appear that the matter charged as libelous is true and was published for good motives, the party shall be acquitted or exonerated.

SEC. 14. No person shall be compelled to pay costs except after conviction on a final trial.

SEC. 15. The people shall have the right to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 16. No person shall be imprisoned for debt except in cases of fraud.

SEC. 17. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be passed.

SEC. 18. Foreigners shall have the same rights as to the ownership, inheritance and disposition of property in this State as citizens of the State.

SEC. 19. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party has been duly convicted, shall ever be allowed in this State.

SEC. 20. The right of the people to bear arms in defense of themselves and the lawful authority of the State, shall not be infringed, but the Legislature may prescribe the manner in which they may be borne.

SEC. 21. The military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 22. The right of the people to be secure in their persons, houses, papers and effects against unreasonable seizures and searches, shall not be violated, and no warrants issued but upon probable cause, supported by oath or affirmation particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

SEC. 23. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or confession in open court, and no conviction for treason shall work corruption of blood, or forfeiture of estate.

SEC. 24. This enunciation of rights shall not be construed to impair or deny others retained by the people.

ARTICLE I.

BOUNDARIES.

The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the river Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; thence due east to the Chattahoochee river; thence down the middle of said river to its confluence with the Flint river; thence straight to the head of the St. Marys river; thence down the middle of said river to the Atlantic ocean; thence southeastwardly along the coast to the edge of the Gulf stream; thence southwestwardly along the edge of the Gulf stream and Florida Reefs to and including the Tortugas Islands; thence northeastwardly to a point three leagues from the mainland; thence northwestwardly three leagues from the land, to a point west of the mouth of the Perdido river; thence to the place of beginning.

ARTICLE II.

DISTRIBUTION OF POWERS.

The powers of the government of the State of Florida shall be divided into three departments—Legislative, Executive and Judicial; and no person properly belonging to one of the departments shall exercise any powers appertaining to either of the others, except in cases expressly provided by this Constitution.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of this State shall be vested in a Senate and a House of Representatives, which shall be designated, "The Legislature of the State of Florida," and the sessions thereof shall be held at the seat of government of the State.

SEC. 2. The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but no special session convened by the Governor shall exceed twenty days.

SEC. 3. The members of the House of Representatives of the State of Florida shall be chosen biennially, beginning with the general election on the first Tuesday after the first Monday in November, 1898, and thereafter on the corresponding day of every second year.[1]

SEC. 4. Senators and members of the House of Representatives shall be duly qualified electors in the respective counties and districts for which they were chosen. The pay of members of the Senate and House of Representatives shall not exceed six dollars a day for each day of session, and mileage to and from their homes to the seat of government, not to exceed ten cents a mile each way, by the nearest and most practicable route.

SEC. 5. No Senator or member of the House of Representatives shall, during the time for which he was elected, be appointed or elected to any civil office under the Constitution of this State, that has been created, or the emoluments whereof shall have been increased during such time.

SEC. 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers, and determine the rules of its proceedings. The Senate shall, at the convening of each regular session thereof, choose from among its own members a permanent President of the Senate, who shall be its presiding officer. The House of Representatives shall, at the convening of each regular session thereof, choose from among its own members a permanent Speaker of the House of Representatives, who shall be its presiding officer. Each House may punish its own members for disorderly conduct; and each House, with the concurrence of two-thirds of all of its members present, may expel a member.

SEC. 7. No person holding a lucrative office or appointment under the United States or this State, shall be eligible to a seat in the Legislature of this State.

SEC. 8. The seat of a member of either House shall be vacated on his permanent change of residence from the district or county from which he was elected.

SEC. 9. Either House during the session may punish by fine or imprisonment any person not a member who shall have been guilty of disorderly or contemptuous conduct in its presence, or of a refusal to obey its lawful summons, but such imprisonment shall not extend beyond the final adjournment of the session.

[1] Section 3 has been amended twice; the first amendment was proposed by the Legislature of 1889 and ratified at the general election of 1890; the present amendment was proposed by the legislature of 1895 and ratified at the general election of 1896. The text of the amendment of 1890 is as follows: Section 3. The members of the House of Representatives shall be chosen biennially, beginning with the general election on the first Tuesday after the first Monday in October, A. D. 1892, and thereafter on the corresponding day of every second year.

SEC. 10. Either House shall have power to compel the attendance of witnesses upon any investigations held by itself, or by any of its committees; the manner of the exercise of such power shall be provided by law.

SEC. 11. A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the presence of absent members in such manner and under such penalties as it may prescribe.

SEC. 12. Each House shall keep a Journal of its own proceedings, which shall be published, and the yeas and nays of the members of either House on any question shall, at the desire of any five members present, be entered on the Journal.

SEC. 13. The doors of each House shall be kept open during its session, except the Senate while sitting in Executive session; and neither shall, without the consent of the other, adjourn for more than three days, or to any other town than that in which they may be holding their session.

SEC. 14. Any bill may originate in either House of the Legislature, and after being passed in one House may be amended in the other.

SEC. 15. The enacting clause of every law shall be as follows: "Be it enacted by the Legislature of the State of Florida."

SEC. 16. Each law enacted in the Legislature shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be amended or revised by reference to its title only; but in such case the act, as revised, or section, as amended, shall be re-enacted and published at length.

SEC. 17. Every bill shall be read by its title, on its first reading in either House, unless one-third of the members present desire it read by sections. Every bill shall be read on three several days, unless two-thirds of the members present when such bill may be pending shall deem it expedient to dispense with this rule. Every bill shall be read by its sections on its second reading and on its final passage, unless on its second reading two-thirds of the members present in the House where such bill may be pending shall deem it expedient to dispense with this rule. The vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the journal of each House: *Provided*, That any greater revision of the entire laws embodied in any bill shall not be required to be read by sections upon its final passage, and its reading may be wholly dispensed with by a two-thirds vote. A majority of the members present in each House shall be necessary to pass every bill or joint resolution. All bills or joint resolutions so passed shall be signed by the presiding officer of the respective Houses and by the Secretary of the Senate and the Clerk of the House of Representatives.[2]

SEC. 18. No law shall take effect until sixty days from the final adjournment of the session of the Legislature at which it may have been enacted, unless otherwise specially provided in such law.

SEC. 19. Accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws passed at every regular session of the Legislature.

SEC. 20. The Legislature shall not pass special or local laws in any of the following enumerated cases: that is to say, regulating the jurisdiction and duties of any class of officers, except municipal officers, or for the punishment of crime or misdemeanor; regulating the practice of courts of justice except municipal courts; providing for changing venue of civil and criminal cases; granting divorces; changing the names of persons; vacating roads; summoning and empaneling grand and petit juries, and providing for their compensation; for assessment and collection of taxes for State and county purposes; for opening and conducting elections for State and county officers, and for designating the places of voting; for the sale of real estate belonging to minors' estates of decedents, and of persons laboring under legal disabilities; regulating the fees of officers of the State and county; giving effect to informal or invalid

[2]Amendment proposed by the legislature of 1895 and ratified at the general election of 1900.

leeds or wills; legitimizing children; providing for the adoption of children; relieving minors from legal disabilities; and for the establishment of ferries.

SEC. 21. In all cases enumerated in the preceding section all laws shall be general and of uniform operation throughout the State, but in all cases not enumerated or excepted in that section, the Legislature may pass special or local laws; Provided, That no local or special bill shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least sixty days prior to the introduction into the Legislature of such bill, and in the manner to be provided by law. The evidence that such notice has been published shall be established in the Legislature before such bill shall be passed.

SEC. 22. Provision may be made by general law for bringing suit against the State as to all liabilities now existing or hereafter originating.

SEC. 23. Lotteries are hereby prohibited in this State.

SEC. 24. The Legislature shall establish a uniform system of county and municipal government, which shall be applicable, except in cases where local or special laws are provided by the Legislature that may be inconsistent therewith.

SEC. 25. The Legislature shall provide by general law for incorporating such educational, agricultural, mechanical, mining, transportation, mercantile and other useful companies or associations as may be deemed necessary; but it shall not pass any special law on any such subject, and any such special law shall be of no effect; Provided, however, That nothing herein shall preclude special legislation as to a university or the public schools, or as to a ship canal across the State.[3]

SEC. 26. Laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practice.

SEC. 27. The Legislature shall provide for the election by the people or appointment by the Governor of all State and county officers not otherwise provided for by this Constitution, and fix by law their duties and compensation.

SEC. 28. Every bill that may have passed the Legislature shall, before becoming a law be presented to the Governor; if he approves it he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall cause such objections to be entered upon its Journal, and proceed to reconsider it; if, after such reconsideration, it shall pass both Houses by a two-thirds vote of members present, which vote shall be entered on the Journal of each House, it shall become a law. If any bill shall not be returned within five days after it shall have been presented to the Governor (Sunday excepted) the same shall be a law, in like manner as if he had signed it. If the Legislature, by its final adjournment, prevent such action, such bill shall be a law, unless the Governor, within ten days after the adjournment, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, and if the same shall receive two-thirds of the votes present, it shall become a law.

SEC. 29. The House of Representatives shall have the sole power of impeachment; but by a vote of two-thirds of all members present shall be required to impeach any officer; and all impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the Senators present. The Senate may adjourn to a fixed day for the trial of any impeachment, and may sit for the purpose of such trial whether the House of Representatives be in session or not, but the time fixed for such trial shall not be more than six months from the time articles of impeachment shall be preferred by the House of Representatives. The Chief-Justice shall preside at all trials by impeachment except in the trial of the Chief Justice, when the Governor shall preside. The Governor, Administrative officers

[3]Amendment proposed by the legislature of 1899 and ratified at the general election of 1900.

of the Executive Department, Justices of the Supreme Court and Judges of the Circuit Court shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law.

SEC. 30. Laws making appropriations for the salaries of public officers and other current expenses of the State shall contain provisions on no other subject.

SEC. 31. The Legislature shall elect United States Senators in the manner prescribed by the Congress of the United States and by this Constitution.

SEC. 32. The repeal or amendment of any Criminal Statute shall not affect the prosecution or punishment of any crime committed before such repeal or amendment.

SEC. 33. No statute shall be passed lessening the time within which a civil action may be commenced on any cause of action existing at the time of its passage.

SEC. 34. Immediately upon the impeachment of any officer by the House of Representatives, he shall be disqualified from performing any of the duties of his office until acquitted by the Senate, and the Governor in such case shall at once appoint an incumbent to fill such office pending the impeachment proceedings. In case of the impeachment of the Governor, the President of the Senate, or in case of the death, resignation or inability of the President of the Senate, the Speaker of the House of Representatives shall act as Governor, pending the impeachment proceedings against the Governor.[4]

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The Supreme Executive power of the State shall be vested in a Chief Magistrate, who shall be styled the Governor of Florida.

SEC. 2. The Governor shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and shall hold his office for four years from the time of his installation, but shall not be eligible for re-election to said office the next succeeding term; Provided, That the first election for Governor under this Constitution shall be had at the time and places of voting for members of the Legislature and State officers, A. D. 1888, and the term of office of the Governor then elected shall begin on the first Tuesday after the first Monday in January after his election.

SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who has not been ten years a citizen of the United States, and five years a citizen and resident of the State of Florida, next preceding the time of his election: Provided, That these limitations of time shall not apply to the President of the Senate or Speaker of the House of Representatives when under this Constitution, the powers and duties of Governor shall devolve upon them.

SEC. 4. The Governor shall be Commander-in-Chief of the military forces of the State, except when they shall be called into the service of the United States.

SEC. 5. The Governor shall transact all Executive business with the officers of the Government, civil and military, and may require information in writing from the administrative officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 6. The Governor shall take care that the laws be faithfully executed.

SEC. 7. When any office, from any cause, shall become vacant, and no mode is provided by this Constitution or by the laws of the State for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission for the unexpired term.

SEC. 8. The Governor may, on extraordinary occasions, convene the Legis-

[4]Section 34 is a new section; it was proposed by the legislature of 1897 and ratified at the general election of 1898.

ature by proclamation, and shall in his proclamation state the purpose for which it is to be convened, and the Legislature when organized shall transact no legislative business other than that for which it is especially convened, or such other legislative business as the Governor may call to its attention while in session, except by a two-thirds vote of each House.

SEC. 9. The Governor shall communicate by message to the Legislature at each regular session information concerning the condition of the State, and recommend such measures as he may deem expedient.

SEC. 10. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 11. The Governor shall have power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, for all offences, except in cases of impeachment. In case of conviction for treason he shall have power to suspend the execution of sentence until the case shall be reported to the Legislature at its next session, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve; and if the Legislature shall fail or refuse to make disposition of such case, the sentence shall be enforced at such time and place as the Governor may direct. He shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon or commutation granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date and the date of its remission, commutation, pardon or reprieve.

SEC. 12. The Governor, Secretary of State, Comptroller, Attorney-General and Commissioner of Agriculture, or a major part of them, of whom the Governor shall be one, may, upon such conditions and with such limitations and restrictions as they may deem proper, remit fines and forfeitures, commute punishment, and grant pardon after conviction, in all cases except treason and impeachments, subject to such regulations as may be prescribed by law relative to the manner of applying for pardons.[5]

SEC. 13. The Governor may, at any time, require the opinion of the Justices of the Supreme Court as to the interpretation of any portion of this Constitution upon any question affecting his Executive powers and duties, and the Justices shall render such opinion in writing.

SEC. 14. All grants and commissions shall be in the name and under the authority of the State of Florida, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. All officers that shall have been appointed or elected, and that are not liable to impeachment, may be suspended from office by the Governor for malfeasance, or misfeasance, or neglect of duty in office, for the commission of any felony, or for drunkenness or incompetency, and the cause of suspension shall be communicated to the officer suspended and to the Senate at its next session. And the Governor, by and with the consent of the Senate, may remove any officer, not liable to impeachment, for any cause above named. Every suspension shall continue until the adjournment of the next session of the Senate, unless the officer suspended shall, upon the recommendation of the Governor, be removed; but the Governor may reinstate the officer so suspended upon satisfactory evidence that the charge or charges against him are untrue. If the Senate shall refuse to remove, or fail to take action before its adjournment, the officer suspended shall resume the duties of the office. The Governor shall have power to fill by appointment any office, the incumbent of which has been suspended. No officer suspended who shall under this section resume the duties of his office, shall suffer any loss of salary or other compensation in consequence of such suspension. The suspension or removal herein authorized shall not relieve the officer from indictment for any misdemeanor in office.

SEC. 16. The Governor shall appoint all commissioned officers of the State Militia, including an adjutant general for the State, with rank of brigadier

[5]Amendment proposed by the legislature of 1895 and ratified at the general election of 1896.

general, who shall be chief of staff. The duties and compensation of all officers so appointed shall be as fixed by law. The terms of office of all commissioned officers of the organized militia shall be continuous during the pleasure of the Governor; subject to such laws as may be enacted by the Legislature providing for their retirement for age or other causes.[6]

SEC. 17. The Governor and the administrative officers of the Executive Department shall constitute a Board of Commissioners of State Institutions, which Board shall have supervision of all matters connected with such institutions in such manner as shall be prescribed by law.

SEC. 18. The Governor shall have power to disapprove of any item or items of any bills making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

SEC. 19. In case of the impeachment of the Governor, his removal from office, death, resignation or inability to discharge his official duties, the powers and duties of Governor shall devolve upon the President of the Senate for the residue of the term, or until the disability shall cease; and in case of the impeachment, removal from office, death, resignation or inability of the President of the Senate, the powers and duties of the office shall devolve upon the Speaker of the House of Representatives. But should there be a general election for members of the Legislature during such vacancy, an election for Governor to fill the same shall be had at the same time.

SEC. 20. The Governor shall be assisted by administrative officers as follows: A Secretary of State, Attorney-General, Comptroller, Treasurer, Superintendent of Public Instruction, and Commissioner of Agriculture, who shall be elected at the same time as the Governor, and shall hold their offices for the same term; Provided, That the first election of such officers shall be had at the time of voting for Governor A. D. 1888.

SEC. 21. The Secretary of State shall keep the records of official acts of the Legislature and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature; and shall be the custodian of the Great Seal of the State. He shall also have charge of the Capitol building and grounds, and perform such other duties as shall be prescribed by law.

SEC. 22. The Attorney-General shall be the legal adviser of the Governor and of each of the officers of the Executive Department, and shall perform such other legal duties as may be prescribed by law. He shall be Reporter for the Supreme Court.

SEC. 23. The Comptroller shall examine, audit, adjust and settle the accounts of all officers of the State and perform such other duties as may be prescribed by law.

SEC. 24. The Treasurer shall receive and keep all funds, bonds, and other securities, in such manner as may be prescribed by law, and shall disburse the funds, nor issue bonds, or other securities, except upon the order of the Comptroller countersigned by the Governor, in such manner as shall be prescribed by law.

SEC. 25. The Superintendent of Public Instruction shall have supervision of all matters pertaining to public instruction; the supervision of State buildings devoted to educational purposes, and perform such other duties as the Legislature may provide by law.

SEC. 26. The Commissioner of Agriculture shall perform such duties in relation to agriculture as may be prescribed by law; shall have supervision of all matters pertaining to the public lands under regulations prescribed by law, and shall keep the Bureau of Immigration. He shall also have supervision of the State Prison, and shall perform such other duties as may be prescribed by law.

[6]Amendment proposed by the legislature of 1913 and ratified at the general election of 1914.

SEC. 27. Each officer of this Department shall make a full report of his ficial acts, of the receipts and expenditures of his office, and of the require- ents of the same, to the Governor at the beginning of each regular session the Legislature, or whenever the Governor shall require it. Such reports all be laid before the Legislature by the Governor at the beginning of each gular session thereof. Either House of the Legislature may at any time call on any officer of this department for information required by it.

SEC. 28. The administrative officers of the Executive Department shall be stalled on the same day as the Governor.

SEC. 29. The salary of the Governor of the State shall be thirty-five hun red dollars a year, of the Comptroller two thousand dollars, of the State reasurer two thousand dollars, of the Secretary of State fifteen hundred dol rs, of the Attorney-General fifteen hundred dollars, of the Commissioner of griculture fifteen hundred dollars, of the Superintendent of Public Instruction teen hundred dollars, a year; Provided, That no administrative officer of e Executive Department shall receive any additional compensation beyond his lary for any service or services rendered the State in connection with the ternal Improvement Fund or other interests belonging to the State of Florida; ovided, further, That the Legislature may, after eight years from the adop- on of this Constitution, increase or decrease any or all of said salaries.

ARTICLE V.

JUDICIARY DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a Supreme urt, Circuit Courts, Court of Record of Escambia County, Criminal Courts, unty Courts, County Judges and Justices of the Peace and such other Courts Commissions as the Legislature may from time to time ordain and establish. e Legislature may prescribe the compensation of the Justices and judges the several courts, but no court heretofore established under the Constitution l laws of Florida shall be hereby abolished.[7]

SEC. 2. The Supreme Court shall consist of three Justices, except as here- fter provided, who shall be elected by the qualified electors of the State at time and places of voting for members of the Legislature, and shall hold ir office for the term of six years, except those first elected, one of whom, be designated by lot in such manner as they may determine, shall hold his ce for two years; another to be designated in like manner, for four years, l the third for six years, so that one shall be elected every two years after first election. The Chief Justice shall be designated by lot by said Jus- es, and shall be such during his term of office. The first election for said stices shall take place at the first election for members of the Legislature er the ratification of this Constitution, and their term of office shall begin the first Tuesday after the first Monday after their election.

Upon ratification of this Amendment to the Constitution, the Governor, by l with the consent of the Senate, shall appoint three more Justices of the preme Court, each of whom shall have the same powers and shall receive same compensation as each of the other Justices of the Supreme Court, and h of the Justices so appointed shall hold office until the first Tuesday after first Monday of June in the year 1905, and may further hold office until successor shall be elected and qualified, if it shall be so provided by law. the year 1905 and for the subsequent years the Legislature may provide law for the election of such number of Justices of the Supreme Court as it y determine, and prescribe their terms of office, not to exceed six years; vided, That the number of Justices of the Supreme Court holding office at same time shall not be less than three, and shall not be greater than six. provided that no Justice of the Supreme Court can by such an act of the islature be deprived of his office during the term for which he was elected.[8]

SEC. 3. No person shall ever be appointed or elected as a Justice of the

[7]Amendment proposed by the legislature of 1913 and ratified at the general tion of 1914.

[8]Amendment proposed by the legislature of 1901 and ratified at the general tion of 1902.

Supreme Court, or Judge of a Circuit Court, or Criminal Court, that is n twenty-five years of age and an attorney at law.

SEC. 4. The majority of the Justices of the Supreme Court shall constitu a quorum for the transaction of all business. But when there shall be s Justices of the Supreme Court, the Court may hear and determine cases a exercise any of its powers when sitting either in a body or in two divisio under such regulations as may be prescribed by law or by the rules of sa Court not inconsistent therewith. The concurrence of a majority of the me bers of the Court sitting in any cause wherein the Court shall sit as one bo shall be necessary to a decision; and when any member of a division of t Court shall dissent from the majority of such division on any question, su question shall be submitted to the Court sitting in a body. The number terms of the Supreme Court and the time of holding the same shall be reg lated by law. All terms shall be held at the Capital [Capitol] of the State.[9]

SEC. 5. The Supreme Court shall have appellate jurisdiction in all cases law and in equity originating in Circuit Courts, and of appeals from the Circ Courts in cases arising before Judges of the County Courts in matters perta ing to their probate jurisdiction and in the management of the estates of fants, and in cases of conviction of felony in the criminal courts, and in criminal cases originating in the Circuit Courts. The Court shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, habe corpus, and also all writs necessary or proper to the complete exercise of jurisdiction. Each of the Justices shall have power to issue writs of habe corpus to any part of the State upon petition by or on behalf of any pers held in actual custody, and may make such writs returnable before himself the Supreme Court, or any Justice thereof, or before any Circuit Judge.

SEC. 6. The Legislature shall have power to prescribe regulations for c ing into the Supreme Court a Judge of the Circuit Court, to hear and det mine any matters pending before the Court in the place of any Justice ther that shall be disqualified or disabled in such case from interest or other cau

SEC. 7. The Supreme Court shall appoint a Clerk who shall have his of at the Capital and shall be Librarian of the Supreme Court Library.

SEC. 8. There shall be eight Circuit Judges, who shall be appointed the Governor and confirmed by the Senate, and who shall hold their office six years.

The State shall be divided by the Legislature, at its first regular sess after the adoption of this section, into eight judicial circuits, and one ju shall be assigned to each circuit. Such judge shall hold at least two terms his court in each county within his circuit every year, and at such times places as shall be prescribed by law, and may hold special terms.

The Governor may, in his discretion, order a temporary exchange of cuits by the respective judges, or order any judge to hold one or more te or part or parts of any term in any other circuit than that to which he assigned. The judge shall reside in the circuit of which he is judge.

This section shall not be operative until the Legislature shall have divi this State into eight circuits, as hereinbefore provided for, and the seven cir judges holding office at the time of such division shall continue to exer jurisdiction over their several existing circuits as constituted at the time such division, until the judge of the additional circuit shall have qualified. circuit judges holding office at the time of such division shall severally cont in office until the expiration of their then existing term of office as judge the circuits respectively in which, under such division, the county, of his dence may be included; and a judge for the additional circuit shall be pointed for a term equal to the unexpired term of the other circuit ju upon such division being made. The salary of each circuit judge shal two thousand, seven hundred and fifty dollars.[10]

[9]Amendment proposed by the legislature of 1901 and ratified at the ge election of 1902.

[10]Amendment proposed by the legislature of 1901 and ratified at the ge election of 1902. Chapter 5120, Acts of 1903, created the counties of Alachua, F ford, Levy, Putnam and Baker into the eighth judicial circuit.

SEC. 9. The salary of the Justices of the Supreme Court shall be three thousand dollars a year. The salary of each Circuit Judge shall be two thousand five hundred dollars a year.

SEC. 10. Until otherwise defined by the Legislature the several Judicial Circuits of the State shall be as follows:

The First Judicial Circuit shall be composed of the counties of Escambia, Santa Rosa, Walton, Holmes, Washington and Jackson.

The Second Judicial Circuit shall be composed of the counties of Gadsden, Liberty, Calhoun, Franklin, Leon, Wakulla and Jefferson.

The Third Judicial Circuit shall be composed of the counties of Madison, Taylor, Lafayette, Hamilton, Suwannee and Columbia.

The Fourth Judicial Circuit shall be composed of the counties of Nassau, Duval, Baker, Bradford, Clay and St. Johns.

The Fifth Judicial Circuit shall be composed of the counties of Putnam, Alachua, Levy, Marion and Sumter.

The Sixth Judicial Circuit shall be composed of the counties of Hernando, Hillsborough, Manatee, Polk and Monroe.

The Seventh Judicial Circuit shall be composed of the counties of Volusia, Brevard, Orange and Dade.

SEC. 11. The Circuit Courts shall have exclusive original jurisdiction in all cases in equity, also in all cases at law, not cognizable by inferior courts, and in all cases involving the legality of any tax, assessment, or toll; of the action of ejectment and of all actions involving the titles or boundaries of real estate, and of all criminal cases not cognizable by inferior courts; and original jurisdiction of actions of forcible entry and unlawful detainer, and of such other matters as the Legislature may provide. They shall have final appellate jurisdiction in all civil and criminal cases arising in the County Court, or before the County Judge, of all misdemeanors tried in Criminal Courts, of judgments or sentences of any Mayor's Court, and of all cases arising before Justices of the Peace in counties in which there is no County Court; and supervision and appellate jurisdiction of matters arising before County Judges pertaining to their probate jurisdiction, or to the estates and interests of minors, and of such other matters as the Legislature may provide. The Circuit Courts and Judges shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, prohibition, habeas corpus and all writs proper and necessary to the complete exercise of their jurisdiction.

SEC. 12. The Circuit Courts and Circuit Judges may have such extra territorial jurisdiction in chancery cases as may be prescribed by law.

SEC. 13. It shall be the duty of the Judges of the Circuit Courts to report to the Attorney-General at least thirty days before each session of the Legislature such defects in the laws as may have been brought to their attention, and to suggest such amendments or additional legislation as may be deemed necessary. The Attorney-General shall report to the Legislature at each session such legislation as he may deem advisable.

SEC. 14. A Circuit Judge may appoint in each county in his Circuit one or more attorneys at law, to be Court Commissioners, who shall have power in the absence from the county of the Circuit Judge, to allow writs of injunction and to issue writs of habeas corpus, returnable before himself or the Circuit Judge. Their orders in such matters may be reviewed by the Circuit Judge, and confirmed, qualified or vacated. They may be removed by the Circuit Judge. The Legislature may confer upon them further powers, not judicial, and shall fix their compensation.

SEC. 15. The Governor, by and with the consent of the Senate, shall appoint a State Attorney in each Judicial Circuit, whose duties shall be prescribed by law, and who shall hold office for four years. There shall be elected in each county a Sheriff, and a Clerk of the Circuit Court, who shall also be Clerk of the County Court, except in counties where there are Criminal Courts, and of the Board of County Commissioners, and Recorder and ex-officio Auditor of the County, each of whom shall hold office for four years. Their duties shall be prescribed by law.

SEC. 16. There shall be in each county a County Judge who shall be elected by the qualified electors of said county at the time and places of voting for other county officers and shall hold his office for four years. His compensation shall be provided for by law.

SEC. 17. The County Judge shall have original jurisdiction in all cases at law in which the demand or value of property involved shall not exceed one hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements; and of such criminal cases as the Legislature may prescribe. The County Judge shall have jurisdiction of the settlement of the estates of decedents and minors, to order the sale of real estate of decedents and minors, to take probate of wills, to grant letters testamentary and of administration and guardianship, and to discharge the duties usually pertaining to courts of probate. He shall have the power of a committing magistrate and shall issue all licenses required by law to be issued in the county.

SEC. 18. The Legislature may organize in such counties, as it may think proper, County Courts which shall have jurisdiction of all cases at law in which the demand or value of the property involved shall not exceed five hundred dollars; of proceedings relating to the forcible entry or unlawful detention of lands and tenements, and of misdemeanors, and final appellate jurisdiction in civil cases arising in the Courts of Justices of the peace. The trial of such appeals may be de novo at the option of the appellant. The County Judge shall be the Judge of said Court. There shall be elected by the qualified electors of said county at the time when the said Judge is elected a Prosecuting Attorney for said county, who shall hold office for four years. His duties and compensation shall be prescribed by law. Such Courts may be abolished at the pleasure of the Legislature.

SEC. 19. When any civil case at law in which the Judge is disqualified shall be called for trial in a Circuit or County Court, the parties may agree upon an attorney at law, who shall be Judge ad litem, and shall preside over the trial of and make orders in said cause as if he were Judge of the Court. The parties may, however, transfer the cause to another Circuit Court or County Court, as the case may be, or may have the case submitted to a referee.

SEC. 20. Any civil cause may be tried before a practicing attorney as referee upon the application of the parties and an order from the court in whose jurisdiction the case may be, authorizing such trial and appointing such referee. The referee shall keep a complete record of the case, including the evidence taken, and such record shall be filed with the papers in the case in the office of the Clerk; and the cause shall be subject to an appeal in the manner prescribed by law.

SEC. 21. The County Commissioners of each county shall divide it into as many Justice Districts, not less than two, as they may deem necessary. There shall be elected one Justice of the Peace for each of the said districts. He shall hold his office for four years.

SEC. 22. The Justices of the Peace shall have jurisdiction in cases at law in which the demand or value of the property involved does not exceed $100.00, and in which the cause of action accrued or the defendant resides in his district; and in such criminal cases, except felonies, as may be prescribed by law, and he shall have power to issue process for the arrest of all persons charged with felonies and misdemeanors not within his jurisdiction to try, and make the same returnable before himself or the County Judge for examination, discharge, commitment or bail of the accused. Justices of the Peace shall have power to hold inquests of the dead. Appeal from Justices of the Peace courts in criminal cases may be tried de novo under such regulations as the Legislature may prescribe.[11]

SEC. 23. A Constable shall be elected by the registered voters in each Justice's district, who shall perform such duties, and under such regulations as may be prescribed by law.

SEC. 24. There shall be established in the county of Escambia, and upon

[11] Amendment proposed by the legislature of 1895 and ratified at the general election of 1896.

pplication of a majority of the registered voters in such other counties as the egislature may deem expedient, a Criminal Court of Record, and there shall e one Judge for each of the said courts, who shall be appointed by the Gov- rnor and confirmed by the Senate, who shall hold his office for four years, and hose salary shall be one thousand dollars a year, the counties paying the alaries.

SEC. 25. The said courts shall have jurisdiction of all criminal cases not apital, which shall arise in said counties respectively.

SEC. 26. There shall be six terms of said courts in each year.

SEC. 27. There shall be for each of said courts a Prosecuting Attorney, ho shall be appointed by the Governor and confirmed by the Senate, and who hall hold his office for four years. His compensation shall be fixed by law.

SEC. 28. All offences triable in said Court shall be prosecuted upon infor- ation under oath, to be filed by the prosecuting attorney, but the grand jury f the Circuit Court for the county in which said Criminal Court is held may ndict for offences triable in the Criminal Court. Upon the finding of such ndictment the Circuit Judge shall commit or bail the accused for trial in the riminal Court, which trial shall be upon information.

SEC. 29. The County Courts in counties where such Criminal Courts are stablished shall have no criminal jurisdiction and no Prosecuting Attorney.

SEC. 30. The Clerk of said Court shall be elected by the electors of the ounty in which the Court is held and shall hold office for four years, and his ompensation shall be fixed by law. He shall also be Clerk of the County ourt. The Sheriff of the County shall be the executive officer of said Court, nd his duties and fees shall be fixed by law.

SEC. 31. The State Attorney residing in the county where such Court is eld shall be eligible for appointment as County Solicitor for said county.

SEC. 32. Such courts may be abolished by the Legislature.

SEC. 33. When the office of any Judge shall become vacant from any cause, he successor to fill such vacancy shall be appointed or elected only for the nexpired term of the Judge whose death, resignation, retirement, or other ause created such vacancy.

SEC. 34. The Legislature may establish in incorporated towns and cities, ourts for the punishment of offences against municipal ordinances.

SEC. 35. No Courts other than herein specified shall be established in this tate, except that the Legislature may provide for the creation and establish- ent of such additional Judicial Circuits as may from time to time become ecessary, and for the appointment by the Governor and confirmation by the enate of additional Circuit Judges therefor, whose terms of office and general urisdiction shall be the same as is herein provided for the Circuit Judges erein already provided for, and may clothe any Railroad Commission with udicial powers in all matters connected with the functions of their office.[42]

SEC. 36. All judicial officers in this State shall be conservators of the peace.

SEC. 37. The style of all process shall be "The State of Florida," and all rosecutions shall be conducted in the name and by the authority of the State.

SEC. 38. The number of jurors for the trial of causes in any court may e fixed by law but shall not be less than six in any case.

SEC. 39. From and after the adoption of these amendments the Criminal ourt of Record in and for Escambia County shall be known as the Court of ecord in and for said County, and, in addition to their present jurisdiction, he said Court, and the Judge thereof, shall have, in Escambia County, con- urrent with the Circuit Court of said County and the Judge thereof, the ame original jurisdiction of all other cases and matters and the same power nd authority to issue all writs as the Circuit Court of said County and the

[42]Section 35 has been amended twice; the first amendment was proposed by the egislature of 1897 and ratified at the general election of 1898; the present amendment as proposed by the legislature of 1909 and ratified at the general election of 1910. he text of the amendment of 1898 is as follows: Section 35. No courts other han herein specified shall be established in this state, except that the legislature may lothe any railroad commission with judicial powers in all matters connected with he functions of their office.

Judge thereof, excepting capital cases, and the power to summon and empanel a grand jury. The same rules of procedure and practice and rights of trial by judges ad litem and referees which obtain in said Circuit Court shall obtain in said Court of Record. The Governor may, in his discretion, order any one of the Circuit Judges of the State to hold one or more terms or parts of terms of said Court of Record.

SEC. 40. The Supreme Court of the State shall have appellate jurisdiction in all causes of which jurisdiction is granted to said Court of Record. Appeals and writs of error shall be prosecuted from the said Court of Record to the Supreme Court in accordance with the laws and rules governing such proceedings from the Circuit Court to the Supreme Court.

SEC. 41. All the provisions of the Constitution and all laws enacted in consonance therewith pertaining to the said Criminal Court of Record and the officers thereof, including the manner of the appointment or election and the terms of office and compensation of said officers, shall apply with like effect to the said Court of Record and the officers thereof, except as provided by these amendments. The present officers of said Criminal Court of Record shall be the officers of said Court of Record and discharge the duties and receive the emoluments of their respective offices until the expiration of their present terms of office. The salary of the Judge of said Court of Record shall be two thousand five hundred dollars a year, payable quarterly by the County of Escambia, and may be increased by the Legislature. From and after the expiration of the term of office of the present Judge, the Judge of said Court of Record shall hold his office for four years.[13]

SEC. 42. There shall be another Judge of the Circuit Court of Duval County in addition to the Circuit Judge of the circuit in which said county is situated. Such additional Circuit Judge shall be appointed by the Governor and confirmed by the Senate, and shall hold office for six (6) years, and shall receive the same salary and allowances for expenses as other Circuit Judges, but the same shall be paid by the County of Duval out of the general revenue of said county. He shall have all the powers and perform all the duties that are or may be provided or prescribed by the Constitution or by statute for Circuit Judges, and all statutes concerning Circuit Judges shall apply to him. The distribution of the business of the Circuit Court of Duval County between the two Circuit Judges and the allotment or assignment of matters and cases to be heard, decided, ordered, tried, decreed or adjudged shall be controlled or made when necessary by the Judge of said Court who shall have the older commission in force at the time. Such additional Circuit Judge shall reside in Duval County.[14]

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY.

SECTION 1. Every male person of the age of twenty-one years and upwards that shall, at the time of registration, be a citizen of the United States, and that shall have resided and had his habitation, domicile, home and place of permanent abode in Florida for one year and in the county for six months shall in such county be deemed a qualified elector at all elections under this Constitution. Naturalized citizens of the United States at the time of any before registration shall produce to the registration officers his certificate o naturalization or a duly certified copy thereof.[15]

SEC. 2. The Legislature, at its first session after the ratification of this Constitution, shall provide by law for the registration of all the legally qualified voters in each county, and for the returns of elections; and shall also provide that after the completion, from time to time, of such registration, no person not duly registered according to law shall be allowed to vote.

SEC. 3. Every elector shall at the time of his registration take and sub

[13]Sections 39, 40 and 41 are new sections; they were proposed by the legislature of 1909 and ratified at the general election of 1910.

[14]Section 42 is a new section; it was proposed by the legislature of 1911 and was ratified at the general election of 1912.

[15]Amendment proposed by the legislature of 1893 and ratified at the general election of 1894.

scribe to the following oath: "I do solemnly swear or affirm that I will protect and defend the Constitution of the United States and of the State of Florida, that I am twenty-one years of age, and have been a resident of the State of Florida for twelve months and of this county for six months, and I am qualified to vote under the Constitution and laws of the State of Florida."

SEC. 4. No person under guardianship, non compos mentis or insane shall be qualified to vote at any election, nor shall any person convicted of a felony by a court of record be qualified to vote at any election unless restored to civil rights.

SEC. 5. The Legislature shall have power to, and shall, enact the necessary laws to exclude from every office of honor, power, trust or profit, civil or military, within the State, and from the right of suffrage, all persons convicted of bribery, perjury, larceny, or of infamous crime, or who shall make, or become directly or indirectly interested in, any bet or wager, the result of which shall depend upon any election; or that shall hereafter fight a duel or send or accept a challenge to fight, or that shall be a second to either party, or that shall be the bearer of such challenge or acceptance; but the legal disability shall not accrue until after trial and conviction by due form of law.

SEC. 6. In all elections by the Legislature the vote shall be viva voce, and in all elections by the people the vote shall be by ballot.

[SEC. 7 repealed in 1894.][16]

SEC. 8. The Legislature shall have power to make the payment of the capitation tax a prerequisite for voting, and all such taxes received shall go into the school fund.

SEC. 9. The Legislature shall enact such laws as will preserve the purity of the ballot given under this Constitution.

ARTICLE VII.

CENSUS AND APPORTIONMENT.

SECTION 1. The Senators representing the odd numbered districts, as said districts are now designated, whose terms have not expired, and those Senators representing even numbered districts, to be elected A. D. 1886, under the Constitution of 1868, shall be the first Senate under this Constitution; and the members of the Assembly to be elected A. D. 1886 shall be the first House of Representatives under this Constitution, and the Senate and House of Representatives thus constituted shall be the first Legislature under this Constitution, and the terms of office of each of the said Senators and members of the House of Representatives shall expire at the election for Senators and members of the House of Representatives A. D. 1888, and in that year a new Senate and House of Representatives shall be elected.

SEC. 2. The Legislature shall consist of not more than thirty-two members of the Senate and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years and the members of the Senate shall be elected for terms of four years, except as hereinafter provided. The elections for members of the House of Representatives and Senate shall be at the same time and places. The terms of office of the Senators elected in October, A. D. 1896, shall expire on the first Tuesday after the first Monday in November, A. D. 1900, and the terms of those elected in November, A. D. 1898, shall expire on the first Tuesday after the first Monday in November, A. D. 1902, and thereafter all Senators shall be elected for four years.[17]

SEC. 3. The Legislature that shall meet A. D. 1887, and those that shall meet

[16]Section 7 was repealed by an amendment proposed by the legislature of 1893 and ratified at the general election of 1894.

[17]Section 2 has been amended twice; the first amendment was proposed by the legislature of 1889 and ratified at the general election of 1890; the present amendment was proposed by the legislature of 1895 and ratified at the general election of 1896. The text of the amendment as adopted in 1890 is as follows: Section 2. The legislature shall consist of not more than thirty-two members of the Senate, and of not more than sixty-eight members of the House of Representatives. The members of the House of Representatives shall be elected for terms of two years, and the members

every ten years thereafter, shall apportion the representation in the Senate, the whole number of Senators not to exceed thirty-two members; and at the same time shall also apportion the representation in the House of Representatives, the whole number of Representatives not to exceed sixty-eight members. The representation in the House of Representatives shall be apportioned among the several counties as nearly as possible according to population; Provided, Each county shall have one representative at large in the House of Representatives, and no county shall have more than three Representatives.

SEC. 4. Where any Senatorial district is composed of two or more counties, the counties of which such district consists shall not be entirely separated by any county belonging to another district. Any new county that may be created shall be entitled to one member in the House of Representatives in excess of the limit prescribed in Section 2 of this Article until the apportionment following next thereafter, and shall be assigned when created to one of the adjoining Senatorial districts as shall be determined by the Legislature.[18]

SEC. 5. The Legislature shall provide for an enumeration of all the inhabitants of the State by counties for the year 1895, and every ten years thereafter.

ARTICLE VIII.

COUNTIES AND CITIES.

SECTION 1. The State shall be divided into political divisions to be called counties.

SEC. 2. The several counties as they now exist are hereby recognized as the legal political divisions of the State.

SEC. 3. The Legislature shall have power to establish new counties, and to change county lines. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation within the territory taken from any county or counties; and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation within such acquired territory.

SEC. 4. The Legislature shall have no power to remove the County Seat of any county, but shall provide by general law for such removal; Provided, That in the formation of new counties the County Seat may be temporarily established by law.

SEC. 5. Immediately upon the ratification of this Amendment the County Commissioners of the several counties of this State shall divide their respective counties into five commissioners' districts, to be numbered respectively from one to five, inclusive, and each district shall be as nearly as possible equal in proportion to population, and thereafter there shall be in each of such districts a County Commissioner, who shall be elected by the qualified electors of said county, at the time and place of voting for other county officers, and shall hold his office for two years. The powers, duties and compensation of such County Commissioners shall be prescribed by law; Provided, That nothing herein shall affect the terms of Commissioners holding office at the time of such division; Provided, further, That all vacancies occurring by limitation of terms, or from death, resignation or otherwise, before the election of 1902, shall be filled by appointment by the Governor, as now provided by law.[19]

of the Senate shall be elected for terms of four years (except as hereafter provided), the elections for members of the Senate and House of Representatives to be at the same time and places. The terms of Senators elected in 1890 shall expire on the first Tuesday after the first Monday in October, 1894, and the terms of those elected in 1892 shall expire on the same day in 1896, and thereafter all Senators shall be elected for four years.

[18]Amendment proposed by the legislature of 1899 and ratified at the general election of 1900.

[19]Amendment proposed by the legislature of 1899 and ratified at the general election of 1900.

SEC. 6. The Legislature shall provide for the election by the qualified electors in each county of the following County Officers: A Clerk of the Circuit Court, a Sheriff, Constables, a County Assessor of Taxes, a Tax Collector, a Superintendent of Public Instruction and a County Surveyor. The term of office of all County Officers mentioned in this Section shall be for four years, except that of County Assessor of Taxes and County Tax Collector, who shall be elected for two years until at the general election to be held in the year A. D. 1916, when and after which they shall be elected for a term of four years. Their powers, duties and compensation shall be prescribed by law. The Legislature shall provide by law for the care and custody of all county funds and shall provide the method of reporting and paying out all such funds.[20]

SEC. 7. The Legislature shall by law authorize the County Commissioners of the several counties, where it is deemed necessary for assessment purposes, to divide their respective counties into taxation districts, and to appoint in and for each district an Assistant Assessor of Taxes, whose powers, duties and compensation shall be prescribed by law. All county officers, except Assistant Assessors of Taxes, shall, before entering upon the duties of their respective offices, be commissioned by the Governor; but no such commission shall issue to any such officer until he shall have filed with the Secretary of State a good and sufficient bond in such sum and upon such condition as the Legislature shall by law prescribe, approved by the County Commissioners of the county in which such officer resides, and by the Comptroller. No county officer shall become security upon the official bond of any other county officer. If any person elected or appointed to any county office shall fail to give bond and qualify within sixty days after his election, the said office shall become vacant.

SEC. 8. The Legislature shall have power to establish and to abolish municipalities, to provide for their government, to prescribe their jurisdiction and powers, and to alter or amend the same at any time. When any municipality shall be abolished, provision shall be made for the protection of its creditors.

ARTICLE IX.

TAXATION AND FINANCE.

SECTION 1. The Legislature shall provide for a uniform and equal rate of taxation, and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

SEC. 2. The Legislature shall provide for raising revenue sufficient to defray the expenses of the State for each fiscal year, and also a sufficient sum to pay the principal and interest of the existing indebtedness of the State.

SEC. 3. No tax shall be levied except in pursuance of law.

SEC. 4. No money shall be drawn from the Treasury except in pursuance of appropriations made by law.

SEC. 5. The Legislature shall authorize the several counties and incorporated cities or towns in the State to assess and impose taxes for county and municipal purposes, and for no other purposes, and all property shall be taxed upon the principles established for State taxation. But the cities and incorporated towns shall make their own assessments for municipal purposes upon the property within their limits. The Legislature may also provide for levying a special capitation tax, and a tax on licenses. But the capitation tax shall not exceed one dollar a year and shall be applied exclusively to common school purposes.

SEC. 6. The Legislature shall have power to provide for issuing State bonds only for the purpose of repelling invasion or suppressing insurrection, or for the purpose of redeeming or refunding bonds already issued, at a lower rate of interest.

SEC. 7. No tax shall be levied for the benefit of any chartered company

[20]Amendment proposed by the legislature of 1913 and ratified at the general election of 1914.

of the State, nor for paying interest on any bonds issued by such chartered companies, or by counties, or by corporations, for the above-mentioned purpose.

SEC. 8. No person or corporation shall be relieved by any court from the payment of any tax that may be illegal, or illegally or irregularly assessed, until he or it shall have paid such portion of his or its taxes as may be legal and legally and regularly assessed.

SEC. 9. There shall be exempt from taxation property to the value of five hundred dollars to every widow that has a family dependent on her for support, and to every person who is a bona fide resident of the State and has lost a limb or been disabled in war or by misfortune.[21]

SEC. 10. The credit of the State shall not be pledged or loaned to any individual, company, corporation or association; nor shall the State become a joint owner or stockholder in any company, association or corporation. The Legislature shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

ARTICLE X.

HOMESTEAD AND EXEMPTIONS.

SECTION 1. A homestead to the extent of one hundred and sixty acres of land, or the half of one acre within the limits of any incorporated city or town, owned by the head of a family residing in this State, together with one thousand dollars worth of personal property, and the improvements on the real estate, shall be exempt from forced sale under process of any court, and the estate shall not be alienable without the joint consent of husband and wife, when that relation exists. But no property shall be exempt from sale for taxes or assessments, or for the payment of obligations contracted for the purchase of said property, or for the erection or repair of improvements on the real estate exempted, or for house, field or other labor performed on the same. The exemption herein provided for in a city or town shall not extend to more improvements or buildings than the residence and business house of the owner, and no judgment or decree or execution shall be a lien upon exempted property except as provided in this Article.

SEC. 2. The exemptions provided for in section one shall inure to the widow and heirs of the party entitled to such exemption, and shall apply to all debts except as specified in said section.

SEC. 3. The exemption provided for in the Constitution of this State adopted in 1868 shall apply as to all debts contracted and judgments rendered since the adoption thereof and prior to the adoption of this Constitution.

SEC. 4. Nothing in this Article shall be construed to prevent the holder of a homestead from alienating his or her homestead so exempted by deed or mortgage duly executed by himself or herself, and by husband and wife, if such relation exists, nor if the holder be without children to prevent him or her from disposing of his or her homestead by will in a manner prescribed by law.

SEC. 5. No homestead provided for in section one shall be reduced in area on account of its being subsequently included within the limits of an incorporated city or town, without the consent of the owner.

SEC. 6. The Legislature shall enact such laws as may be necessary to enforce the provisions of this Article.

ARTICLE XI.

MARRIED WOMEN'S PROPERTY.

SECTION 1. All property, real and personal, of a wife owned by her before marriage, or lawfully acquired afterward by gift, devise, bequest, descent, or purchase, shall be her separate property, and the same shall not be liable for

[21] Amendment proposed by the legislature of 1915 and ratified at the general election of 1916.

the debts of her husband without her consent given by some instrument in writing executed according to the law respecting conveyances by married women.

SEC. 2. A married woman's separate real or personal property may be charged in equity and sold, or the uses, rents and profits thereof sequested for the purchase money thereof; or for money or thing due upon any agreement made by her in writing for the benefit of her separate property; or for the price of any property purchased by her, or for labor and material used with her knowledge or assent in the construction of buildings, or repairs, or improvements upon her property, or for agricultural or other labor bestowed thereon, with her knowledge and consent.

SEC. 3. The Legislature shall enact such laws as shall be necessary to carry into effect this Article.

ARTICLE XII.

EDUCATION.

SECTION 1. The Legislature shall provide for a uniform system of public free schools, and shall provide for the liberal maintenance of the same.

SEC. 2. There shall be a Superintendent of Public Instruction, whose duties shall be prescribed by law, and whose term of office shall be four years and until the election and qualification of his successor.

SEC. 3. The Governor, Secretary of State, Attorney-General, State Treasurer and State Superintendent of Public Instruction shall constitute a body corporate, to be known as the State Board of Education of Florida, of which the Governor shall be President, and the Superintendent of Public Instruction, Secretary. This Board shall have power to remove any subordinate school officer for cause, upon notice to the incumbent; and shall have the management and investment of all State School Funds under such regulations as may be prescribed by law, and such supervision of schools of higher grades as the law shall provide.

SEC. 4. The State School Fund, the interest of which shall be exclusively applied to the support and maintenance of public free schools, shall be derived from the following sources:

The proceeds of all lands that have been or may hereafter be granted to the State by the United States for public school purposes.

Donations to the State when the purpose is not specified.

Appropriations by the State.

The proceeds of escheated property or forfeitures.

Twenty-five per cent. of the sales of public lands which are now or may hereafter be owned by the State.

SEC. 5. The principal of the State School Fund shall remain sacred and inviolate.

SEC. 6. A special tax of one mill on the dollar of all taxable property in the State, in addition to the other means provided, shall be levied and apportioned annually for the support and maintenance of public free schools.

SEC. 7. Provision shall be made by law for the apportionment and distribution of the interest on the State School Fund, and all other means provided, including the special tax, for the support and maintenance of public free schools among the several counties of the State in proportion to the average attendance upon schools in the said counties respectively.[22]

SEC. 8. Each county shall be required to assess and collect annually for the support of public free schools therein, a tax of not less than three (3) mills, nor more than seven (7) mills on the dollar, of all taxable property in the same.[23]

SEC. 9. The County School Fund shall consist, in addition to the tax provided for in section eight of this Article, of the proportion of the interest of the State School Fund and of the one mill State tax apportioned to the county;

[22]Amendment proposed by the legislature of 1893 and ratified at the general election of 1894.

[23]Amendment proposed by the legislature of 1903 and ratified at the general election of 1904.

the net proceeds of all fines collected under the penal laws of the State within the county; all capitation taxes collected within the county; and shall be disbursed by the County Board of Public Instruction solely for the maintenance and support of public free schools.

SEC. 10. The Legislature may provide for the division of any county or counties into convenient school districts; and for the election biennially of three school trustees, who shall hold their office for two years, and who shall have the supervision of all the schools within the district; and for the levying and collection of a district school tax, for the exclusive use of public free schools within the district, whenever a majority of the qualified electors thereof that pay a tax on real or personal property shall vote in favor of such levy; Provided, That any tax authorized by this section shall not exceed three mills on the dollar in any one year on the taxable property of the district.

SEC. 11. Any incorporated town or city may constitute a School District. The fund raised by section 10 may be expended in the district where levied for building or repairing school houses, for the purchase of school libraries and text-books, for salaries of teachers, or for other educational purposes, so that the distribution among all the schools of the district be equitable.

SEC. 12. White and colored children shall not be taught in the same school, but impartial provision shall be made for both.

SEC. 13. No law shall be enacted authorizing the diversion or the lending of any County or District School Funds, or the appropriation of any part of the permanent or available school fund to any other than school purposes; nor shall the same, or any part thereof, be appropriated to or used for the support of any sectarian school.

SEC. 14. The Legislature at its first session shall provide for the establishment, maintenance and management of such Normal Schools, not to exceed two, as the interests of public education may demand.

SEC. 15. The compensation of all county school officers shall be paid from the school fund of their respective counties, and all other county officers receiving stated salaries shall be paid from the general funds of their respective counties.

SEC. 17. The Legislature may provide for Special Tax School Districts to issue bonds for the exclusive use of public free schools within any such Special Tax School District, whenever a majority of the qualified electors thereof, who are freeholders, shall vote in favor of the issuance of such bonds.

Whenever any such Special Tax School District has voted in favor of the issuance of such bonds, a tax not to exceed five mills on the dollar, in any one year, on the taxable property within the district voting for the issue of bonds shall be levied in accordance with law providing for the levying of taxes, to become a fund for the payment of the interest and redemption of such bonds.[24]

ARTICLE XIII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind and deaf, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

SEC. 2. A State Prison shall be established and maintained in such manner as may be prescribed by law. Provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders; and the Legislature shall have power to establish a home and work-house for common vagrants.

SEC. 3. The respective counties of the State shall provide in the manner prescribed by law for those of the inhabitants that, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society.

SEC. 4. The first Legislature that convenes after the adoption of this Con-

[24] Section 17 is a new section; it was proposed by the legislature of 1911 and ratified at the general election of 1912. There is no section 16 of Article XII. A section numbered 16 was prepared by the legislature of 1907, but was defeated at the election of 1908.

stitution shall enact the necessary laws to carry into effect the provisions of his Article.

ARTICLE XIV.

MILITIA.

SECTION 1. All able-bodied male inhabitants of the State, between the ages of eighteen and forty-five years, that are citizens of the United States, or have declared their intention to become citizens thereof, shall constitute the militia of the State; but no male citizen of whatever religious creed or opinion shall be exempt from military duty except upon such conditions as may be prescribed by law.

SEC. 2. The Legislature may provide by law for organizing and disciplining the militia of the State, for the encouragement of volunteer corps, the safe keeping of the public arms, and for a guard for the State Prison.

SEC. 3. The Governor, by and with the consent of the Senate, shall appoint two Major-Generals and four Brigadier-Generals of Militia. They shall take rank according to the dates of their commissions. The officers and soldiers of the State Militia, when uniformed, shall wear the uniform prescribed for the United States Army; Provided, That volunteer companies may select their own uniforms.

SEC. 4. The Governor shall have power to call out the Militia to preserve the public peace, to execute the laws of the State, to suppress insurrection, or to repel invasion.

ARTICLE XV.

PUBLIC HEALTH.

SECTION 1. The Legislature shall establish a State Board of Health and also County Boards of Health in all counties where it may be necessary.

SEC. 2. The State Board of Health shall have supervision of all matters relating to public health, with such duties, powers and responsibilities as may be prescribed by law.

SEC. 3. The County Boards of Health shall have such powers and be under the supervision of the State Board to such extent as the Legislature may prescribe.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The Seat of Government shall be at the City of Tallahassee, in the county of Leon.

SEC. 2. Each and every officer of this State, including the members of the Legislature, shall before entering upon the discharge of his official duties take the following oath of office: I do solemnly swear [or affirm] that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of ———— on which I am now about to enter. So help me God.

SEC. 3. The salary of each officer shall be payable quarterly upon his own requisition.

SEC. 4. All county officers shall hold their respective offices, and keep their official books and records, at the county seats of their counties; and the Clerk and Sheriff shall either reside or have a sworn deputy within two miles of the county seat.

SEC. 5. The Legislature may provide for the donation of the public lands to actual settlers, but such donation shall not exceed eighty acres to any one person.

SEC. 6. The Legislature shall provide for the speedy publication and distribution of all laws it may enact. Decisions of the Supreme Court and all laws and judicial decisions shall be free for publication by any person. But

no judgment of the Supreme Court shall take effect until the decision of the Court in such case shall be filed with the Clerk of said Court.[25]

SEC. 7. The Legislature shall not create any office, the term of which shall be longer than four years.

SEC. 8. A plurality of votes given at an election of officers shall constitute a choice when not otherwise provided by this Constitution.

SEC. 9. In all criminal cases prosecuted in the name of the State, when the defendant is insolvent or discharged, the legal costs and expenses, including the fees of officers, shall be paid by the counties where the crime is committed under such regulations as shall be prescribed by law; and all fines and forfeitures collected under the penal laws of the State shall be paid into the county treasuries of the respective counties as a general county fund to be applied to such legal costs and expenses.[26]

SEC. 10. The Governor, Supreme Court and all the administrative officers of the Executive Department shall keep their offices at the Seat of Government. But in case of invasion or violent epidemics the Governor may direct that the offices of the Government be removed temporarily to some other place. The sessions of the Legislature may be adjourned for the same cause to some other place, but in case of such removal all the Departments of the Government shall be removed to one place. But such removal shall not continue longer than the necessity for the same shall continue.

SEC. 11. No extra compensation shall be made to any officer, agent, employee, or contractor after the service shall have been rendered, or the contract made; nor shall any money be appropriated or paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, unless such compensation or claim be allowed by bill passed by two-thirds of the members elected to each house of the Legislature.

SEC. 12. The present seal of the State shall remain the seal of the State of Florida. The State flag shall be of the following proportions and description: Depth to be three-fourths length of flag. The seal of the State, of diameter one-third of the flag, in the center of a white ground; red bars, of width one-eighth the length of flag extending from each corner toward the center, to the outer rim of the seal.[27]

SEC. 13. The sureties upon the official bonds of all State, county and municipal officers shall be residents of, and have sufficient visible property unencumbered within the State, not exempt from sale under legal process, to make good their bonds; and the sureties upon the official bonds of all county and municipal officers shall reside within the county where their principals upon such bonds reside, and shall have sufficient visible and unencumbered property in such county that is not exempt from sale under legal process to make good their liability on such bonds; Provided, That any duly organized and responsible guarantee or surety company, either foreign or domestic, lawfully doing business in this State, may become and be accepted as surety on all such official bonds.[28]

SEC. 14. All State, County, and Municipal officers shall continue in office after the expiration of their official terms until their successors are duly qualified.

SEC. 15. No person holding or exercising the functions of any office under any foreign Government, under the Government of the United States, or under any other State, shall hold any office of honor or profit under the government of this State; and no person shall hold, or perform the functions of, more than one office under the government of this State at the same time; Provided, Notaries Public, militia officers, county school officers and Commissioners of Deeds may be elected or appointed to fill any legislative, executive or judicial office

[25] Amendment proposed by the legislature of 1895 and ratified at the general election of 1896.

[26] Amendment proposed by the legislature of 1893 and ratified at the general election of 1894.

[27] Amendment proposed by the legislature of 1899 and ratified at the general election of 1900.

[28] Amendment proposed by the legislature of 1897 and ratified at the general election of 1898.

SEC. 16. The property of all corporations, except the property of a corporation which shall construct a ship or barge canal across the peninsula of Florida, if the Legislature should so enact, whether heretofore or hereafter incorporated, shall be subject to taxation unless such property be held and used exclusively for religious, scientific, municipal, educational, literary or charitable purposes.

SEC. 17. No person shall hold any office of trust or profit under the laws of this State without devoting his personal attention to the duties of the same.

SEC. 18. The Legislature shall provide for deductions from the salaries of public officers who neglect the performance of any duty assigned them by law.

SEC. 19. No Convention nor Legislature of this State shall act upon any amendment of the Constitution of the United States proposed by Congress to the several States, unless such Convention or Legislature shall have been elected after such amendment is submitted.

SEC. 20. The Governor and every State officer are hereby prohibited from giving certificates of election or other credentials to any person as having been elected to the House of Representatives of the United States Congress, or the United States Senate, who has not been five years a citizen of the State and seven years a citizen of the United States, and a qualified voter.

SEC. 21. Deeds and mortgages which have been proved for record and recorded according to law, shall be taken as prima facie evidence in the courts of this State without requiring proof of the execution. A certified copy of the record of any deed or mortgage that has been or shall be duly recorded according to law shall be admitted as prima facie evidence thereof, and of its due execution with like effect as the original duly proved: Provided, It be made to appear that the original is not within the custody or control of the party offering such copy.

SEC. 22. The Legislature shall provide for giving to mechanics and laborers an adequate lien on the subject matter of their labor.

SEC. 23. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 24. All marriages between a white person and a negro, or between a white person and a person of negro descent to the fourth generation, inclusive, are hereby forever prohibited.

SEC. 25. The term felony, whenever it may occur in this Constitution or in the laws of the State, shall be construed to mean any criminal offence punishable with death or imprisonment in the State Penitentiary.

SEC. 26. The Legislature may make provision for the proper adjustment and settlement of the claim of the citizens of Ocala against the State for certain aid given by the town of Ocala for the establishment of the East Florida Seminary in 1852, and conditional upon its location at the said town.

SEC. 27. The Legislature shall appropriate at least five hundred dollars each year for the purchase of such books for the Supreme Court Library as the Court may direct.

SEC. 28. The Legislature may provide for the drainage of the land of one person over or through that of another, upon just compensation therefor to the owner of the land over which such drainage is had.

SEC. 29. No private property nor right of way shall be appropriated to the use of any corporation or individual until full compensation therefor shall be first made to the owner, or first secured to him by deposit of money; which compensation, irrespective of any benefit from any improvement proposed by such corporation or individual, shall be ascertained by a jury of twelve men in a court of competent jurisdiction, as shall be prescribed by law.

SEC. 30. The Legislature is invested with full power to pass laws for the correction of abuses and to prevent unjust discrimination and excessive charges by persons and corporations engaged as common carriers in transporting persons and property, or performing other services of a public nature; and shall provide for enforcing such laws by adequate penalties or forfeitures.

SEC. 31. No railroad or other transportation company or common carrier

in this State shall grant a free pass, or discount the fare paid by the pub generally, to any member of the Legislature, or to any salaried officer of t State, and the Legislature shall prohibit the granting or receiving such f pass, or fare at a discount, by suitable penalties.

ARTICLE XVII.

AMENDMENTS.

SECTION 1. Either branch of the Legislature, at a regular session there may propose amendments to this Constitution; and if the same be agreed to three-fifths of all the members elected to each House, such proposed ame ments shall be entered upon their respective Journals with the yeas and na and published in one newspaper in each county where a newspaper is publish for three months immediately preceding the next general election of Represe atives, at which election the same shall be submitted to the electors of State, for approval or rejection. If a majority of the electors voting u the amendments at such election shall adopt the amendments, the same sh become a part of the Constitution. The proposed amendments shall be submitted as to enable the electors to vote on each amendment separately.

SEC. 2. If at any time the Legislature, by a vote of two-thirds of all members of both Houses, shall determine that a revision of this Constitut is necessary, such determination shall be entered upon their respective Journa with the yeas and nays thereon. Notice of said action shall be publish weekly in one newspaper in every county in which a newspaper is publish for three months preceding the next general election of Representatives, a in those counties where no newspaper is published, notice shall be given posting at the several polling precincts in such counties for six weeks n preceding said election. The electors at said election may vote for or agai the revision in question. If a majority of the electors so voting be in favor revision, the Legislature chosen at such election shall provide by law fo Convention to revise the Constitution, said Convention to be held within months after the passage of such law. The convention shall consist of a nu ber equal to the membership of the House of Representatives, and shall apportioned among the several counties in the same manner as members said House.

ARTICLE XVIII.

SCHEDULE.

SECTION 1. The Constitution adopted A. D. 1868, with amendments ther is declared to be superseded by this Constitution: But all rights, actions, cla and contracts, both as respects individuals and bodies corporate, shall conti to be as valid as if this Constitution had not been adopted. And all fines, fo penalties and forfeitures due and owing to the State of Florida under Constitution of 1868, shall inure to the use of the State under this Consti tion.

SEC. 2. All laws now in force not inconsistent with this Constitution s continue in force until they shall expire by their own limitation, or be repe by the Legislature.

SEC. 3. All persons holding any office or appointment at the ratifica of this Constitution shall continue in the exercise of the duties thereof, acc ing to their respective commissions or appointments, and until their succes are duly qualified, unless by this Constitution otherwise provided.

SEC. 4. Nothing contained in this Constitution shall operate to vacate office of Lieutenant-Governor until the expiration of his present term.

SEC. 5. All vacancies occurring by limitation of terms before the gen election in 1888 shall be filled as provided for by law under the Constitu of 1868.

SEC. 6. The term of office for all appointees to fill vacancies in any of elective offices under this Constitution, shall extend only to the election qualification of a successor at the ensuing general election.

SEC. 7. In all cases of elections to fill vacancies in office such election shall
for the unexpired term.

SEC. 8. Upon the ratification of this Constitution the Commissioner of
ds and Immigration shall assume the office of Commissioner of Agriculture,
his duties as such shall be prescribed by the first Legislature assembled
er this Constitution.

SEC. 9. A general election shall be held in each county in this State on
first Tuesday after the first Monday in November, A. D. 1898, and every
years thereafter, for all elective State and county officers whose terms of
are about to expire, or for any elective office that shall have become
ant.[29]

SEC. 10. The first election for County Judge, Clerk of the Circuit Court,
iff, Tax Assessor, Tax Collector, County Treasurer, County Superintend-
of Public Instruction, County Surveyor, Justices of the Peace, Constables
all other elective County Officers shall be at the general election in
.

SEC. 11. It shall be the duty of the President of this Convention imme-
ely on its adjournment to certify to the Governor a copy of this Consti-
on.

SEC. 12. Upon receipt of such certified copy the Governor shall forth-
announce the fact by proclamation, to be published in such newspapers in
State as may be deemed requisite for general information, and five
ted copies of such Constitution shall be transmitted by the Secretary of
e to the Clerk of the Circuit Court, and five to the County Judge of each
ty, which shall be kept on file in their respective offices for examination
ny person desiring the same.

SEC. 13. All Courts as now organized and constituted shall continue with
jurisdiction until the Legislature shall conform to the requirements of
Constitution the jurisdiction of such Courts as, under this Constitution,
to exercise in whole or in part the jurisdiction of Courts now organized.

SEC. 14. The terms of office of all County Officers, unless otherwise pro-
d, shall commence on the first Tuesday after the first Monday in January
after their election.

ARTICLE XIX.

LOCAL OPTION.

SECTION 1. The Board of County Commissioners of each county in the
e, not oftener than once in every two years, upon the application of one-
th of the registered voters of any county, shall call and provide for an
tion in the county in which application is made, to decide whether the
of intoxicating liquors, wines or beer shall be prohibited therein, the
stion to be determined by a majority vote of those voting at the election
d under this section, which election shall be conducted in the manner
scribed by law for holding general elections: *Provided*, That intoxicating
ors, either spiritous, vinous, or malt, shall not be sold in any election
inct in which a majority vote was cast against the same at the said
tion. Elections under this section shall be held within sixty days from
time of presenting said application, but if any such election should there-
take place within sixty days of any State or National election, it shall
held within sixty days after any such State or National election.

SEC. 2. The Legislature shall provide necessary laws to carry out and
ce the provisions of Section 1 of this Article.

[29] Section 9 has been amended twice; the first amendment was proposed by the
ure of 1889 and ratified at the general election of 1890; the present amend-
was proposed by the legislature of 1895 and ratified at the general election of
The text of the amendment of 1890 is as follows: Section 9. A general
on shall be held in each county in this State on the first Tuesday after the first
day in October, A. D. 1892, and every two years thereafter, for all elective
and county officers whose terms of office are about to expire, or for any office
shall have become vacant.

ORDINANCES.

ORDINANCE NO. 1.

SECTION 1. This Constitution shall be submitted to the people of th State of Florida for ratification on the first Tuesday after the first Monda in November, A. D. 1886, and it shall require a majority of the votes cas upon the question to determine its ratification or rejection.

SEC. 2. At such election each qualified elector shall express his assen or dissent, by having written or printed upon the ticket which he shal vote the words, "For the Constitution," or "Against the Constitution;" suc election being subject to the same regulations and restrictions as are nov prescribed by law. And in case of its ratification by the people, the Governo shall forthwith cause proclamation to be made of the fact, and it shall g into effect on the first day of January, A. D. 1887.

ORDINANCE NO. 2.

SECTION 1. Article XIX shall be submitted to the people, when the Con stitution is submitted for ratification, to become a part of the Constitution, i adopted by a majority of the votes cast upon the question, and the ballots o those voting on this Article shall have written or printed on them the words "For Article XIX," or "Against Article XIX."

ORDINANCE NO. 3.

Be it ordained by the People of Florida, Represented in Constitutiona Convention:

SECTION 1. The pay of the members of this Constitutional Conventio shall be a per diem for attendance of six ($6.00) dollars a day in additio to mileage of ten cents a mile, each way, from their places of residence to th Capital and return, estimated by the shortest thoroughfare.

SEC. 2. The pay of the Secretary and Assistant Secretary of the Co vention and all the Clerks elected by the Convention shall be six ($6.00) do lars per diem each, allowing the Secretary and Assistant Secretary one da after adjournment to complete unfinished business; all Committee Clerk shall receive five ($5.00) dollars per diem for the number of days certified b the Chairman of the Committee; the pay of the Sergeant-at-Arms shall b six ($6.00) dollars per diem, and the Assistant Sergeant-at-Arms shall b five ($5.00) dollars per diem; the pay of the Messengers of the Conventio shall be four ($4.00) dollars per diem each; the pay of the Door-Keeper sha be five ($5.00) dollars per diem; the pay of Pages shall be three ($3.0 dollars per diem each; the pay of the Janitor shall be two ($2.00) dollars pe diem; the pay of the Chaplain shall be one hundred dollars. The Record ing Clerk shall complete his work after the adjournment of the Conventio under the supervision of the Secretary of State, and shall be paid for th same fifty dollars when his work is completed. Eighteen dollars shall b paid W. R. Carter for services as Assistant Secretary for three days. Messr Dorr & Bowen shall be paid for printing the amount approved by the Com mittee on Printing, certified by the President and Secretary of the Conventio

SEC. 3. The Comptroller is required to draw his warrant on the Treasur in favor of the officers and employees of this Convention for the full amou allowed them by section two, and to each delegate of this Convention for h pro rata share of the amount appropriated by the Legislature, after deducti from said amount the amount due said employees and all other expenses, i cluding mileage of members, incurred by this Convention.

SEC. 4. The President is authorized on behalf of this Convention to iss certificates signed by himself and countersigned by the Secretary, to each the members, payable to himself or his order, bearing interest at the rate eight per cent. per annum from date, for the amount remaining due on a count of the deficiency of the Legislative appropriation for expenses of th Convention.

SEC. 5. The Legislature shall make an appropriation at its next sessi to pay said certificates.

SEC. 6. *Be it further enacted*, That the Secretary of this Convention be nd he is hereby authorized to audit the accounts of the members and all her expenses.

Done in open Convention, at Tallahassee, this 3d day of August, A. D. ghteen hundred and eighty-five, and of the independence of the United ates the one hundred and tenth year.

S. PASCO, *President.*
J. E. YONGE, *First Vice-President.*
WM. H. REYNOLDS, *Secretary Convention.*

CONSTITUTION OF GEORGIA—1877.*

PREAMBLE.

To perpetuate the principles of free government, insure justice to all, pre serve peace, promote the interest and happiness of the citizens, and transmi to posterity the enjoyment of liberty, we, the people of Georgia, relying upo the protection and guidance of Almighty God, do ordain and establish this Co stitution:

ARTICLE I.

BILL OF RIGHTS.

SECTION I.

PARAGRAPH I. All government, of right, originates with the people, i founded upon their will only, and is instituted solely for the good of th whole. Public officers are the trustees and servants of the people and at al times amenable to them.

PAR. II. Protection to person and property is the paramount duty o government, and shall be impartial and complete.

PAR. III. No person shall be deprived of life, liberty, or property, excep by due process of law.

PAR. IV. No person shall be deprived of the right to prosecute or defen his own cause in any of the courts of this State, in person, by attorney, o both.

PAR. V. Every person charged with an offense against the laws of thi State shall have the privilege and benefit of counsel; shall be furnished, o demand, with a copy of the accusation, and a list of the witnesses on whos testimony the charge against him is founded; shall have compulsory proces to obtain the testimony of his own witnesses; shall be confronted with th witnesses testifying against him, and shall have a public and speedy trial b an impartial jury.

PAR. VI. No person shall be compelled to give testimony tending in an manner to criminate himself.

PAR. VII. Neither banishment beyond the limits of the State, nor whip ping, as a punishment for crime, shall be allowed.

PAR. VIII. No person shall be put in jeopardy of life, or liberty, mor than once for the same offense, save on his or her own motion for a ne trial after conviction, or in case of mistrial.

PAR. IX. Excessive bail shall not be required, nor excessive fines impose nor cruel and unusual punishments inflicted; nor shall any person be abuse in being arrested, while under arrest, or in prison.

PAR. X. No person shall be compelled to pay costs, except after convictio on final trial.

PAR. XI. The writ of habeas corpus shall not be suspended.

PAR. XII. All men have the natural and inalienable right to worsh God, each according to the dictates of his own conscience, and no huma authority should in any case control or interfere with such right of co science.

*The constitution of Georgia was drafted by a convention which assembled Atlanta on July 11 and adjourned on August 25, 1877. The constitution was su mitted to the electors on December 5, 1877. The voters were required to vote o the question of ratifying, or rejecting the constitution as a whole; on the questio of locating the capitol of the state at Atlanta or Milledgeville; and on the homeste and exemption plan of 1868 or of 1877. The constitution as a whole was ratified by vote of 110,442 to 40,947; the vote cast for the location of the capitol was, for Atlant 99,147, and for Milledgeville, 55,201; the vote cast for the adoption of the homestead 1877 was 94,722, and for the homestead of 1868 was 52,000. By authority of the co stitution, the governor issued his proclamation declaring the constitution in fo on December 21, 1877.

PAR. XIII. No inhabitant of this State shall be molested in person or roperty, or prohibited from holding any public office or trust, on account f his religious opinions; but the right of liberty of conscience shall not be o construed as to excuse acts of licentiousness, or justify practices incon- istent with the peace and safety of the State.

PAR. XIV. No money shall ever be taken from the public treasury, di- ctly or indirectly, in aid of any church, sect, or denomination of religionists, r of any sectarian institution.

PAR. XV. No law shall ever be passed to curtail or restrain the liberty f speech, or of the press; any person may speak, write, and publish his senti- ents on all subjects, being responsible for the abuse of that liberty.

PAR. XVI. The right of the people to be secure in their persons, houses, apers, and effects, against unreasonable searches and seizures, shall not be iolated; and no warrant shall issue except upon probable cause, supported y oath, or affirmation, particularly describing the place or places to be earched, and the persons or things to be seized.

PAR. XVII. There shall be within the State of Georgia neither slavery or involuntary servitude, save as a punishment for crime after legal con- iction thereof.

PAR. XVIII. The social status of the citizen shall never be the subject f legislation.

PAR. XIX. The civil authority shall be superior to the military; and no oldier shall, in time of peace, be quartered in any house without the con- ent of the owner, nor in time of war, except by the civil magistrate, in such anner as may be provided by law.

PAR. XX. The power of the courts to punish for contempts shall be limited y legislative acts.

PAR. XXI. There shall be no imprisonment for debt.

PAR. XXII. The right of the people to keep and bear arms shall not be nfringed, but the General Assembly shall have power to prescribe the manner n which arms may be borne.

PAR. XXIII. The legislative, judicial, and executive powers shall forever emain separate and distinct, and no person discharging the duties of one shall t the same time exercise the functions of either of the others, except as erein provided.

PAR. XXIV. The people have the right to assemble peaceably for their ommon good, and to apply to those vested with the powers of government or redress of grievances, by petition or remonstrance.

PAR. XXV. All citizens of the United States, resident in this State, are ereby declared citizens of this State; and it shall be the duty of the General ssembly to enact such laws as will protect them in the full enjoyment of he rights, privileges, and immunities due to such citizenship.

SECTION II.

PARAGRAPH I. In all prosecutions or indictments for libel, the truth may e given in evidence; and the jury in all criminal cases shall be the judges of he law and the facts. The power of the judges to grant new trials in case of onviction is preserved.

PAR. II. Treason against the State of Georgia shall consist in levying ar against her, adhering to her enemies, giving them aid and comfort. No erson shall be convicted of treason, except on the testimony of two witnesses o the same overt act, or confession in open court.

PAR. III. No conviction shall work corruption of blood, or forfeiture of state.

PAR. IV. All lotteries, and the sale of lottery tickets, are hereby pro- ibited; and this prohibition shall be enforced by penal laws.

PAR. V. Lobbying is declared to be a crime, and the General Assembly hall enforce this provision by suitable penalties.

PAR. VI. The General Assembly shall have the power to provide for the unishment of fraud; and shall provide, by law, for reaching property of the ebtor, concealed from the creditor.

Section III.

Paragraph I. In cases of necessity, private ways may be granted upon just compensation being first paid by the applicant. Private property shall not be taken, or damaged, for public purposes, without just and adequate compensation being first paid.

Par. II. No bill of attainder, ex post facto law, retroactive law, or law impairing the obligation of contracts, or making irrevocable grants of special privileges or immunities, shall be passed.

Par. III. No grant of special privileges or immunities shall be revoked except in such manner as to work no injustice to the corporators or creditors of the incorporation.

Section IV.

Paragraph I. Laws of a general nature shall have uniform operation throughout the State, and no special law shall be enacted in any case for which provision has been made by an existing general law. No general law affecting private rights shall be varied in any particular case by special legislation, except with the free consent, in writing, of all persons to be affected thereby; and no person under legal disability to contract is capable of such consent.

Par. II. Legislative acts in violation of this Constitution, or the Constitution of the United States, are void, and the judiciary shall so declare them.

Section V.

Paragraph I. The people of this State have the inherent, sole, and exclusive right of regulating their internal government, and the police thereof, and of altering and abolishing their Constitution whenever it may be necessary to their safety and happiness.

Par. II. The enumeration of rights herein contained as a part of this Constitution shall not be construed to deny to the people any inherent rights which they may have hitherto enjoyed.

ARTICLE II.

ELECTIVE FRANCHISE.

Section I.

Paragraph I. After the year 1908, elections by the people shall be by ballot, and only those persons shall be allowed to vote who have been first registered in accordance with the requirements of law.[1]

Par. II. Every male citizen of this State who is a citizen of the United States, twenty-one years old or upwards, not laboring under any of the disabilities named in this Article, and possessing the qualifications provided by it, shall be an elector and entitled to register and vote at any election by the people: Provided, that no soldier, sailor, or marine in the military or naval services of the United States shall acquire the rights of an elector by reason of being stationed on duty in this State.

Par. III. To entitle a person to register and vote at any election by the people, he shall have resided in the State one year next preceding the election, and in the county in which he offers to vote six months next preceding the election, and shall have paid all taxes which may have been required of him since the adoption of the Constitution of Georgia of 1877, that he may have had an opportunity of paying agreeably to law. Such payment must have been made at least six months prior to the election at which he offers to vote, except when such elections are held within six months from the expiration of the time fixed by law for the payment of such taxes.

Par. IV. Every male citizen of this State shall be entitled to register as an elector, and to vote in all elections in said State, who is not disqualified under the provisions of Section 2 of Article 2 of this Constitution, and who

[1] Amendment proposed by the general assembly of 1908 and ratified on Oct. 7, 1908.

possesses the qualifications prescribed in paragraphs 2 and 3 of this Section or who will possess them at the date of the election occurring next after his registration, and who in addition thereto comes within either of the classes provided for in the five following subdivisions of this paragraph.

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the War with Mexico, or in any War with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States or of the State of Georgia in the War between the States; or

2. All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above, or,

3. All persons who are of good character and understand the duties and obligations of citizenship under a republican form of government; or,

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this State and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely because of physical disability are unable to comply with the above requirements but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States or of this State, that may be read to them by any one of the registrars: or,

5. Any person who is the owner in good faith in his own right of at least forty acres of land situated in this State, upon which he resides, or is the owner in good faith in his own right of property situated in this State and assessed for taxation at the value of $500.00.

PAR. V. The right to register under subdivisions 1 and 2 of paragraph 4 shall continue only until January 1st, 1915. But the registrars shall prepare a roster of all persons who register under subdivisions 1 and 2 of paragraph 4, and shall return the same to the clerk's office of the superior court of their counties, and the clerks of the superior court shall send copies of the same to the Secretary of State, and it shall be the duty of these officers to record and permanently preserve these rosters. Any person who has been once registered under either of the subdivisions 1 or 2 of paragraph 4 shall thereafter be permitted to vote: Provided, he meets the requirements of paragraphs 2 and 3 of this section.

PAR. VI. Any person to whom the right of registration is denied by the registrars upon the ground that he lacks the qualifications set forth in the five subdivisions of paragraph 4 shall have the right to take an appeal, and any citizen may enter an appeal from the decision of the registrars allowing any person to register under said subdivisions. All appeals must be filed in writing with the registrars within ten days from the date of the decision complained of, and shall be returned by the registrars to the office of the clerk of the superior court to be tried as other appeals.

PAR. VII. Pending an appeal and until the final decision of the case, the judgment of the registrars shall remain in full force.

PAR. VIII. No person shall be allowed to participate in a primary of any political party or a convention of any political party in this State who is not a qualified voter.

PAR. IX. The machinery provided by law for the registration, of force October 1st, 1908, shall be used to carry out the provisions of this Section, except where inconsistent with same; the legislature may change or amend the registration laws from time to time, but no such change or amendment shall operate to defeat any of the provisions of this section.

SECTION II.

PARAGRAPH I. The General Assembly may provide, from time to time, for the registration of all electors, but the following classes of persons shall not be permitted to register, vote, or hold any office, or appointment of honor or trust in this State, to-wit: (1st) Those who shall have been convicted,

in any court of competent jurisdiction, of treason against the State, or embezzlement of public funds, malfeasance in office, bribery, or larceny, or of any crime involving moral turpitude, punishable by the laws of this State with imprisonment in the penitentiary, unless such person shall have been pardoned; (2d) idiots and insane persons.

Section III.

Paragraph I. Electors shall, in all cases except for treason, felony, larceny, and breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

Section IV.

Paragraph I. No person who is the holder of any public money, contrary to law, shall be eligible to any office in this State until the same is accounted for and paid into the treasury.

Par. II. No person who, after the adoption of this Constitution, being a resident of this State, shall have been convicted of fighting a duel in this State, or convicted of sending or accepting a challenge, or convicted of aiding or abetting such duel, shall hold office in this State, unless he shall have been pardoned; and every such person shall also be subject to such punishment as may be subscribed by law.

Section V.

Paragraph I. The General Assembly shall, by law, forbid the sale, distribution or furnishing of intoxicating drinks within two miles of election precincts on days of election—State, county, or municipal,—and prescribe punishment for any violation of the same.

Section VI.

Paragraph I. Returns of election for all civil officers elected by the people, who are to be commissioned by the Governor, and also for the members of the General Assembly, shall be made to the Secretary of State, unless otherwise provided by law.

ARTICLE III.

Legislative Department.

Section I.

Paragraph I. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

Section II.

Paragraph I. The Senate shall consist of forty-four members. There shall be forty-four senatorial districts, as now arranged by counties. Each district shall have one senator.

The First Senatorial District shall be composed of the counties of Chatham, Bryan, and Effingham.

The Second Senatorial District shall be composed of the counties of Liberty, Tattnall, McIntosh, Toombs and Evans.

The Third Senatorial District shall be composed of the counties of Wayne, Pierce, Appling, Jeff Davis and Bacon.

The Fourth Senatorial District shall be composed of the counties of Glynn, Camden and Charlton.

The Fifth Senatorial District shall be composed of the counties of Coffee, Ware and Clinch.

The Sixth Senatorial District shall be composed of the counties of Echols, Lowndes, Berrien and Tift.

The Seventh Senatorial District shall be composed of the counties of Brooks, Thomas, Colquitt and Grady.

The Eighth Senatorial District shall be composed of the counties of Decatur, Mitchell and Miller.

The Ninth Senatorial District shall be composed of the counties of Early, Calhoun and Baker.

The Tenth Senatorial District shall be composed of the counties of Dougherty, Lee, Worth and Turner.

The Eleventh Senatorial District shall be composed of the counties of Clay, Randolph and Terrell.

The Twelfth Senatorial District shall be composed of the counties of Stewart, Webster and Quitman.

The Thirteenth Senatorial District shall be composed of the counties of Sumter, Schley and Macon.

The Fourteenth Senatorial District shall be composed of the counties of Dooly, Wilcox, Pulaski, Crisp and Bleckley.

The Fifteenth Senatorial District shall be composed of the counties of Montgomery, Telfair, Irwin, Dodge, Ben Hill and Wheeler.

The Sixteenth Senatorial District shall be composed of the counties of Laurens, Emanuel and Johnson.

The Seventeenth Senatorial District shall be composed of the counties of Screven, Bulloch, Burke, Jenkins and Candler.

The Eighteenth Senatorial District shall be composed of the counties of Richmond, Glascock and Jefferson.

The Nineteenth Senatorial District shall be composed of the counties of Taliaferro, Greene and Warren.

The Twentieth Senatorial District shall be composed of the counties of Baldwin, Hancock and Washington.

The Twenty-first Senatorial District shall be composed of the counties of Twiggs, Wilkinson and Jones.

The Twenty-second Senatorial District shall be composed of the counties of Bibb, Monroe and Pike.

The Twenty-third Senatorial District shall be composed of the counties of Houston, Crawford and Taylor.

The Twenty-fourth Senatorial District shall be composed of the counties of Muscogee, Marion and Chattahoochee.

The Twenty-fifth Senatorial District shall be composed of the counties of Harris, Upson and Talbot.

The Twenty-sixth Senatorial District shall be composed of the counties of Spalding, Butts and Fayette.

The Twenty-seventh Senatorial District shall be composed of the counties of Newton, Walton, Oconee and Rockdale.

The Twenty-eighth Senatorial District shall be composed of the counties of Jasper, Putnam and Morgan.

The Twenty-ninth Senatorial District shall be composed of the counties of Wilkes, Columbia, Lincoln and McDuffie.

The Thirtieth Senatorial District shall be composed of the counties of Oglethorpe, Madison, Elbert and Clarke.

The Thirty-first Senatorial District shall be composed of the counties of Hart, Habersham, Franklin and Stephens.

The Thirty-second Senatorial District shall be composed of the counties of White, Dawson and Lumpkin.

The Thirty-third Senatorial District shall be composed of the counties of Hall, Banks, Jackson and Barrow.

The Thirty-fourth Senatorial District shall be composed of the counties of Gwinnett, DeKalb and Henry.

The Thirty-fifth Senatorial District shall be composed of the counties of Clayton, Cobb and Fulton.

The Thirty-sixth Senatorial District shall be composed of the counties of Campbell, Coweta, Meriwether and Douglas.

The Thirty-seventh Senatorial District shall be composed of the counties of Carroll, Heard and Troup.

The Thirty-eighth Senatorial District shall be composed of the counties of Haralson, Polk and Paulding.

The Thirty-ninth Senatorial District shall be composed of the counties of Milton, Cherokee and Forsyth.

The Fortieth Senatorial District shall be composed of the counties of Union, Towns and Rabun.

The Forty-first Senatorial District shall be composed of the counties of Pickens, Fannin and Gilmer.

The Forty-second Senatorial District shall be composed of the counties of Bartow, Floyd and Chattooga.

The Forty-third Senatorial District shall be composed of the counties of Murray, Gordon and Whitfield.

The Forty-fourth Senatorial District shall be composed of the counties of Walker, Dade and Catoosa.

PAR. II. The General Assembly may change these districts after each census of the United States: *Provided*, that neither the number of districts nor the number of Senators from each district shall be increased.

SECTION III.

PARAGRAPH I. The House of Representatives shall consist of not more than 189 representatives apportioned among the several counties as follows, to-wit: To the six counties having the largest population, viz.: Fulton, Chatham, Richmond, Bibb, Floyd and Muscogee, three representatives each; to the twenty-six counties having the next largest population, viz.: Laurens, Carroll, Jackson, Sumter, Thomas, Decatur, Gwinnett, Coweta, Cobb, Washington, DeKalb, Burke, Bulloch, Troup, Hall, Walton, Bartow, Meriwether, Emanuel, Lowndes, Elbert, Brooks, Houston, Wilkes, Clarke and Ware, two representatives each; and to the remaining counties one representative each; and in the event of the ratification of this amendment to the Constitution the counties of Bleckley and Wheeler shall be entitled to representation in the General Assembly of Georgia for the session of 1915-16; and in the event this amendment and the amendments creating the counties of Barrow, Candler and Bacon shall be ratified then the three said last named counties shall also be entitled to representation in the session of the General Assembly for the years 1915-16; and elections in said counties shall be held on the first Tuesday in January, 1915, under the law now governing similar elections for the election of members of the General Assembly to serve during the session of 1915-16 in accordance with this amendment.[2]

PAR. II. The above apportionment shall be changed by the General Assembly at its first session after each census taken by the United States government, so as to give the six counties having the largest population three representatives each; and to the twenty-six counties having the next largest population two representatives each; but in no event shall the aggregate number of representatives be increased.

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[2]Paragraph 1 has been amended three times; the first amendment was proposed by the general assembly of 1904 and ratified on Oct. 5, 1904; the second amendment was proposed by the general assembly of 1908 and ratified on October 7, 1908; the present amendment was proposed by the general assembly of 1914 and ratified on Nov. 3, 1914. The text of the amendment of 1904 is as follows: Paragraph 1. The House of Representatives shall consist of not more than (183) one hundred and eighty-three Representatives, apportioned among the several counties as follows, to-wit: To the six counties having the largest population, viz.: Chatham, Bibb, Floyd, Fulton, Richmond and Thomas, three (3) Representatives each; to the twenty-six counties having the next largest population, viz.: Bartow, Bulloch, Burke, Cobb, Carroll, Coweta, DeKalb, Decatur, Dooly, Elbert, Emanuel, Gwinnett, Hall, Houston, Jackson, Laurens, Lowndes, Meriwether, Monroe, Muscogee, Sumter, Tattnall, Troup, Walton, Washington and Wilkes, two (2) Representatives each; and to the remaining counties one Representative each. The text of the amendment of 1908 is as follows: Paragraph 1. The House of Representatives shall consist of not more than 184 Representatives, apportioned among the several counties as follows, to-wit: To the six counties having the largest population, viz., Chatham, Bibb, Floyd, Fulton, Richmond and Thomas, three Representatives each; to the twenty-six counties having the next largest population, viz., Bartow, Bulloch, Burke, Cobb, Carroll, Coweta, DeKalb, Decatur, Dooly, Elbert, Emanuel, Gwinnett, Hall, Houston, Jackson, Laurens, Lowndes, Meriwether, Monroe, Muscogee, Sumter, Tattnall, Troup, Walton, Washington and Wilkes, two (2) Representatives each, and to the remaining counties, one Representative each.

Section IV.

Paragraph I. The members of the General Assembly shall be elected for two years and shall serve until the time fixed by law for the convening of the next General Assembly. The provisions of this Paragraph, Section and Article shall apply to the term of the members of the General Assembly who were elected at the general election for members of the General Assembly in the year 1912.[3]

Par. II. The first election for members of the General Assembly, under this Constitution, shall take place on the first Wednesday in December, 1877; the second election for the same shall be held on the first Wednesday in October, 1880, and subsequent elections biennially on that day, until the day of election is changed by law.

Par. III. The first meeting of the General Assembly, after the ratification of this Constitution, shall be on the fourth Wednesday in October, 1878, and annually thereafter, on the same day, until the day shall be changed by law.[4]

Par. IV. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day and compel the presence of its absent members, as each house may provide.

Par. V. Each senator and representative, before taking his seat, shall take the following oath, or affirmation, to-wit: "I will support the Constitution of this State, and of the United States; and on all questions and measures which may come before me, I will so conduct myself as will, in my judgment, be most conducive to the interests and prosperity of this State."

Par. VI. No session of the General Assembly shall continue longer than fifty days: *Provided*, that if an impeachment trial is pending at the end of fifty days, the session may be prolonged till the completion of said trial.[5]

Par. VII. No person holding a military commission or other appointment or office having any emolument or compensation annexed thereto, under this State, or the United States, or either of them, except justices of the peace and officers of the militia, nor any defaulter for public money or for any legal taxes required of him shall have a seat in either house; nor shall any senator or representative, after his qualification as such, be elected by the General Assembly, or appointed by the Governor, either with or without the advice and consent of the Senate, to any office or appointment having any emolument annexed thereto, during the time for which he shall have been elected.

Par. VIII. The seat of a member of either house shall be vacated on his removal from the district or county from which he was elected.

Section V.

Paragraph I. The senators shall be citizens of the United States, who have attained the age of twenty-five years, and who shall have been citizens of this State for four years, and for one year residents of the district from which elected.

Par. II. The presiding officer of the Senate shall be styled the President of the Senate, and shall be elected *viva voce* from the senators.

Par. III. The Senate shall have the sole power to try impeachments.

Par. IV. When sitting for that purpose, the members shall be on oath or affirmation, and shall be presided over by the Chief Justice or the Presiding Justice of the Supreme Court. Should the Chief Justice be disquali-

[3]Amendment proposed by the general assembly of 1914 and ratified on Nov. [illegible]

[4]Amendment proposed by the general assembly of 1891 and ratified on Oct. 5, 1892. By the act by which this amendment was submitted to the people it is made to refer to Article 2, Section 4, Paragraph 3. The amendment has been construed to apply to Article 3, Section 4, Paragraph 3, where it manifestly belongs. By an act of 1902 the general assembly meets on the fourth Wednesday in June.

[5]Amendment proposed by the general assembly of 1891 and ratified on Oct. 5, 1892. By the act by which this amendment was submitted to the people it is made to refer to Article 2, Section 4, Paragraph 6. The amendment has been construed to apply to Article 3, Section 4, Paragraph 6, where it undoubtedly belongs.

fied, the Senate shall select the judge of the Supreme Court to preside. No person shall be convicted without the concurrence of two-thirds of the members present.

PAR. V. Judgments, in case of impeachment, shall not extend further than removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit within this State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION VI.

PARAGRAPH I. The representatives shall be citizens of the United States, who have attained the age of twenty-one years, and who shall have been citizens of this State for two years, and for one year residents of the counties from which elected.

PAR. II. The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives, and shall be elected *viva voce* from the body.

PAR. III. The House of Representatives shall have the sole power to impeach all persons who shall have been, or may be, in office.

SECTION VII.

PARAGRAPH I. Each house shall be the judge of the election, returns, and qualifications of its members, and shall have power to punish them for disorderly behavior, or misconduct, by censure, fine, imprisonment, or expulsion; but no member shall be expelled except by a vote of two-thirds of the house to which he belongs.

PAR. II. Each house may punish by imprisonment, not extending beyond the session, of any person, not a member, who shall be guilty of a contempt, by any disorderly behavior in its presence, or who shall rescue, or attempt to rescue, any person arrested by order of either house.

PAR. III. The members of both houses shall be free from arrest during their attendance on the General Assembly, and in going thereto or returning therefrom, except for treason, felony, larceny, or breach of the peace; and no member shall be liable to answer in any other place for anything spoken in debate in either house.

PAR. IV. Each house shall keep a journal of its proceedings, and publish it immediately after its adjournment.

PAR. V. The original journal shall be preserved, after publication, in the office of the secretary of State, but there shall be no other record thereof.

PAR. VI. The yeas and nays on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

PAR. VII. Every bill, before it shall pass, shall be read three times, and on three separate days, in each house, unless in cases of actual invasion or insurrection; but the first and second reading of each local bill, and bank and railroad charters, shall consist of the reading of the title only, unless said bill is ordered to be engrossed.[6]

PAR. VIII. No law or ordinance shall pass which refers to more than one subject-matter, or contains matter different from what is expressed in the title thereof.

PAR. IX. The general appropriation bill shall embrace nothing except appropriation fixed by previous laws, the ordinary expenses of the executive legislative, and judicial departments of the government, payment of the public debt and interest thereon, and the support of the public institutions and educational interests of the State. All other appropriations shall be made by separate bills, each embracing but one subject.

PAR. X. All bills for raising revenue, or appropriating money shall originate in the House of Representatives, but the Senate may propose or concu in amendments, as in other bills.

PAR. XI. No money shall be drawn from the treasury except by appro

[6]Amendment proposed by the general assembly of 1891 and ratified on Oct 5, 1892.

riation made by law; and a regular statement and account of the receipt nd expenditure of all public money shall be published every three months, nd also with the laws passed by each session of the General Assembly.

PAR. XII. No bill or resolution appropriating money shall become a law, nless upon its passage the yeas and nays, in each house, are recorded.

PAR. XIII. All acts shall be signed by the President of the Senate and ne Speaker of the House of Representatives; and no bill, ordinance, or reso-ution, intended to have the effect of a law, which shall have been rejected y either house, shall be again proposed during the same session, under the ame or any other title, without the consent of two-thirds of the house by hich the same was rejected.

PAR. XIV. No bill shall become a law unless it shall receive a majority f the votes of all the members elected to each house of the General Assem-ly, and it shall, in every instance, so appear on the journal.

PAR. XV. (By an act approved September 24, 1885, an amendment to ne Constitution was submitted to vote of the people in October, 1886, and dopted, whereby the original of this paragraph was stricken from this Con-itution.)

PAR. XVI. No local or special bill shall be passed, unless notice of the ntention to apply therefor shall have been published in the locality where ne matter or thing to be affected may be situated, which notice shall be given t least thirty days prior to the introduction of such bill into the General ssembly, and in the manner to be prescribed by law. The evidence of such otice having been published shall be exhibited in the General Assembly be-ore such acts shall be passed.

PAR. XVII. No law, or section of the Code, shall be amended or repealed y mere reference to its title, or to the number of the section of the Code, ut the amending or repealing act shall distinctly describe the law to be mended or repealed, as well as the alteration to be made.

PAR. XVIII. The General Assembly shall have no power to grant cor-orate powers and privileges to private companies, to make or change election recincts, nor to establish bridges or ferries, nor to change names of legiti-ate children; but it shall prescribe by law the manner in which such powers hall be exercised by the courts; it may confer this authority to grant cor-orate powers and privileges to private companies to the Judges of the Supe-ior Courts of this State in vacation. All corporate powers and privileges o banking, insurance, railroad, canal, navigation, express and telegraph com-anies shall be issued and granted by the secretary of State in such manner s shall be prescribed by law; and if in any event the secretary of State hould be disqualified to act in any case, then in that event the legislature hall provide by general laws by what person such charters shall be granted.[1]

PAR. XIX. The General Assembly shall have no power to relieve princi-als or securities upon forfeited recognizances from the payment thereof, ither before or after judgment thereon, unless the principal in the recog-izance shall have been apprehended and placed in the custody of the proper fficer.

PAR. XX. The General Assembly shall not authorize the construction of ny street passenger-railway within the limits of any incorporated town or ity, without the consent of the corporate authorities.

PAR. XXI. Whenever the Constitution requires a vote of two-thirds of

[1]Paragraph XVIII has been amended twice: the first amendment was proposed y the general assembly of 1891 and ratified on Oct. 5, 1892; the present amend-ent was proposed by the general assembly of 1912 and ratified on Nov. 5, 1912. he text of the amendment of 1891 is as follows: PAR. XVIII. The General ssembly shall have no power to grant corporate powers and privileges to private ompanies, to make or change election precincts; nor to establish bridges or ferries; or to change names of legitimate children; but it shall prescribe by law the manner which such powers shall be exercised by the courts. All corporate powers and rivileges to banking, insurance, railroad, canal, navigation, express and telegraph ompanies shall be issued and granted by the Secretary of State in such manner s shall be prescribed by law, and if in any event the Secretary of State should disqualified to act in any case, then in that event the Legislature shall provide general laws by what person such charters shall be granted.

either or both houses for the passing of an act or resolution, the yeas and nays on the passage thereof shall be entered on the journal.

PAR. XXII. The General Assembly shall have power to make all laws and ordinances consistent with this Constitution, and not repugnant to the Constitution of the United States, which they shall deem necessary and proper for the welfare of the State.

PAR. XXIII. No provision in this Constitution for a two-thirds vote of both houses of the General Assembly, shall be construed to waive the necessity for the signature of the Governor, as in any other case, except in the case of the two-thirds vote required to override the veto, and in case of prolongation of a session of the General Assembly.

PAR. XXIV. Neither house shall adjourn for more than three days, or to any other place, without the consent of the other; and in case of a disagreement between the two houses on a question of adjournment, the Governor may adjourn either or both of them.

SECTION VIII.

PARAGRAPH I. The officers of the two houses, other than the President and Speaker, shall be a secretary of the Senate and clerk of the House of Representatives, and such assistants as they may appoint; but the clerical expenses of the Senate shall not exceed sixty dollars per day for each session, nor those of the House of Representatives seventy dollars per day for each session. The secretary of the Senate and clerk of the House of Representatives shall be required to give bond and security for the faithful discharge of their respective duties.

SECTION IX.

PARAGRAPH I. The *per diem* of members of the General Assembly shall not exceed four dollars; and mileage shall not exceed ten cents for each mile traveled, by the nearest practical route, in going to and returning from the capital; but the President of the Senate and the Speaker of the House of Representatives shall each receive not exceeding seven dollars per day.

SECTION X.

PARAGRAPH I. All elections by the General Assembly shall be *viva voce*, and the vote shall appear on the journal of the House of Representatives. When the Senate and House of Representatives unite for the purpose of elections, they shall meet in the Representative Hall, and the President of the Senate shall, in such cases, preside and declare the result.

SECTION XI.

PARAGRAPH I. All property of the wife at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband.

SECTION XII.

PARAGRAPH I. All life-insurance companies now doing business in this State, or which may desire to establish agencies and do business in the State of Georgia, chartered by other States of the Union, or foreign States, shall show that they have deposited with the comptroller-general of the State in which they are chartered, or of this State, the insurance commissioners, or such other officer as may be authorized to receive it, not less than one hundred thousand dollars in such securities as may be deemed by such officer equivalent to cash, subject to his order, as a guarantee fund for the security of policy-holders.

PAR. II. When such showing is made to the comptroller-general of the State of Georgia, by a proper certificate from the State official having charge of the funds so deposited, the comptroller-general of the State of Georgia is authorized to issue to the company making such showing, a license to do business in the State, upon paying the fees required by law.

PAR. III. All life-insurance companies chartered by the State of Georgia

which may hereafter be chartered by the State, shall, before doing business, posit with the comptroller-general of the State of Georgia, or with some rong corporation which may be approved by said comptroller-general, one ndred thousand dollars in such securities as may be deemed by him equiva- t to cash, to be subject to his order, as a guarantee fund for the security the policy-holders of the company making such deposit, all interests and ridends arising from such securities to be paid, when due, to the company depositing. Any such securities as may be needed or desired by the com- ny may be taken from said department at any time by replacing them th other securities equally acceptable to the comptroller-general, whose cer- icate for the same shall be furnished to the company.

PAR. IV. The General Assembly shall, from time to time, enact laws to mpel all fire-insurance companies doing business in this State, whether artered by this State or otherwise, to deposit reasonable securities with treasurer of this State, to secure the people against loss by the opera- ns of said company.

PAR. V. The General Assembly shall compel all insurance companies in s State, or doing business therein, under proper penalties, to make semi- nual reports to the Governor, and print the same at their own expense, for information and protection of the people, [illegible]

ARTICLE IV.

POWER OF THE GENERAL ASSEMBLY OVER TAXATION.

SECTION I.

PARAGRAPH I. The right of taxation is a sovereign right, inalienable, destructible, is the life of the State, and rightfully belongs to the people all republican governments, and neither the General Assembly, nor any r all other departments of the government established by this Constitution, all ever have the authority to irrevocably give, grant, limit, or restrain this ht; and all laws, grants, contracts, and all other acts whatsoever, by said vernment or any department thereof, to effect any of these purposes, shall be l are hereby declared to be null and void for every purpose whatsoever; l said right of taxation shall always be under the complete control of, and ocable by, the State, notwithstanding any gift, grant, or contract whatso- r by the General Assembly. [illegible]

SECTION II. [illegible]

PARAGRAPH I. The power and authority of regulating railroad freights l passenger tariffs, preventing unjust discrimination, and requiring reason- le and just rates of freight and passenger tariffs are hereby conferred upon General Assembly, whose duty it shall be to pass laws, from time to time, regulate freight and passenger tariffs, to prohibit unjust discriminations on various railroads of this State, and to prohibit said roads from charging her than just and reasonable rates, and enforce the same by adequate alties.

PAR. II. The exercise of the right of eminent domain shall never be ridged, nor so construed as to prevent the General Assembly from taking property and franchises of incorporated companies, and subjecting them public use, the same as property of individuals; and the exercise of the ice power of the State shall never be abridged nor so construed as to rmit corporations to conduct their business in such a manner as to infringe equal rights of individuals, or the general well-being of the State.

PAR. III. The General Assembly shall not remit the forfeiture of the arter of any corporation now existing, nor alter or amend the same, nor ss any other general or special law for the benefit of said corporation cept upon the condition that such corporation shall thereafter hold its arter subject to the provisions of this Constitution; and every amendment any charter of any corporation in this State, or any special law for its nefit, accepted thereby, shall operate as a novation of said charter and all bring the same under the provisions of this Constitution: *Provided*,

that this section shall not extend to any amendment for the purpose of allow ing any existing road to take stock in or aid in the building of any branc road.

PAR. IV. The General Assembly of this State shall have no power t authorize any corporation to buy shares or stock in any other corporation i this State or elsewhere, or to make any contract, or agreement whatever, wit any such corporation, which may have the effect, or be intended to hav the effect, to defeat or lessen competition in their respective business, or t encourage monopoly; and all such contracts and agreements shall be illeg and void.

PAR. V. No railroad company shall give or pay any rebate, or *bonus* i the nature thereof, directly or indirectly, or do any act to mislead or deceiv the public as to the real rates charged or received for freights or passage and any such payments shall be illegal and void; and these prohibitions sha be enforced by suitable penalties.

PAR. VI. No provision of this Article shall be deemed, held, or take to impair the obligation of any contract heretofore made by the State Georgia.

PAR. VII. The General Assembly shall enforce the provisions of th Article by appropriate legislation.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION I.

PARAGRAPH I. The officers of the Executive Department shall consist a Governor, secretary of State, comptroller-general, and treasurer.

PAR. II. The executive power shall be vested in a Governor, who sha hold his office during the term of two years, and until his successor sha be chosen and qualified. He shall not be eligible to re-election, after the expir tion of a second term, for the period of four years. He shall have a salar of three thousand dollars per annum (until otherwise provided by a la passed by a two-thirds vote of both branches of the General Assembly), whic shall not be increased or diminished during the period for which he sha have been elected; nor shall he receive, within that time, any other emolumen from the United States, or either of them, or from any foreign power. B this reduction of salary shall not apply to the present term of the prese Governor.

PAR. III. The first election for Governor, under this Constitution sha be held on the first Wednesday in October, 1880, and the Governor-elect sha be installed in office at the next session of the General Assembly. An ele tion shall take place biennially thereafter, on said day, until another da be fixed by the General Assembly. Said election shall be held at the plac of holding general elections in the several counties of this State, in the ma ner prescribed for the election of members of the General Assembly, and t electors shall be the same.

PAR. IV. The returns for every election of Governor shall be sealed by the managers, separately from other returns, and directed to the Pres dent of the Senate and Speaker of the House of Representatives, and tran mitted to the secretary of State, who shall, without opening said return cause the same to be laid before the Senate on the day after the two hous shall have been organized, and they shall be transmitted by the Senate to t House of Representatives.

PAR. V. The members of each branch of the General Assembly shall co vene in the Representative Hall, and the President of the Senate and Speak of the House of Representatives shall open and publish the returns in t presence and under the direction of the General Assembly; and the pers having the majority of the whole number of votes shall be declared du elected Governor of this State; but if no person shall have such majorit then from the two persons having the highest number of votes, who shall

life and shall not decline an election at the time appointed for the General ssembly to elect, the General Assembly shall immediately elect a Governor iva voce; and in all cases of election of a Governor by the General Assembly, majority of the members present shall be necessary to a choice.

PAR. VI. Contested elections shall be determined by both houses of the eneral Assembly in such manner as shall be prescribed by law.

PAR. VII. No person shall be eligible to the office of Governor who shall ot have been a citizen of the United States fifteen years, and a citizen of e State six years, and who shall not have attained the age of thirty years.

PAR. VIII. In case of the death, resignation, or disability of the Gov nor, the President of the Senate shall exercise the executive powers of the overnment until such disability be removed, or a successor is elected and ualified. And in case of the death, resignation, or disability of the Presi nt of the Senate, the Speaker of the House of Representatives shall exer se the executive powers of the government until the removal of the disability, the election and qualification of a Governor.

PAR. IX. The General Assembly shall have power to provide, by law, for lling unexpired terms by special elections.

PAR. X. The Governor shall, before he enters on the duties of his office, ke the following oath or affirmation: "I do solemnly swear (or affirm, s the case may be) that I will faithfully execute the office of Governor of the ate of Georgia, and will, to the best of my ability, preserve, protect, and efend the Constitution thereof, and the Constitution of the United States of merica."

PAR. XI. The Governor shall be commander-in-chief of the army and avy of this State, and of the militia thereof.

PAR. XII. He shall have power to grant reprieves and pardons, to commute penalties, remove disabilities imposed by law, and to remit any part a sentence for offenses against the State, after conviction, except in case treason and impeachment, subject to such regulations as may be provided law relative to the manner of applying for pardons. Upon conviction for eason he may suspend the execution of the sentence and report the case the General Assembly at the next meeting thereof, when the General Assembly shall either pardon, commute the sentence, direct its execution, or ant a further reprieve. He shall, at each session of the General Assembly, mmunicate to that body each case of reprieve, pardon, or commutation anted, stating the name of the convict, the offense for which he was conicted, the sentence and its date, the date of the reprieve, pardon, or commutaon, and the reasons for granting the same. He shall take care that the laws e faithfully executed, and shall be a conservator of the peace throughout e State.

PAR. XIII. He shall issue writs of election to fill all vacancies that may ppen in the Senate or House of Representatives, and shall give the General ssembly, from time to time, information of the state of the Commonwealth, d recommend to their consideration such measures as he may deem necesry or expedient. He shall have power to convoke the General Assembly on traordinary occasions; but no law shall be enacted at call sessions of the eneral Assembly except such as shall relate to the object stated in his proclmation convening them.

PAR. XIV. When any office shall become vacant, by death, resignation, otherwise, the Governor shall have power to fill such vacancies, unless otherise provided by law; and persons so appointed shall continue in office until successor is commissioned, agreeably to the mode pointed out by this Constitution, or by law in pursuance thereof.

PAR. XV. A person once rejected by the Senate shall not be reappointed the Governor to the same office during the same session, or the recess hereafter.

PAR. XVI. The Governor shall have the revision of all bills passed by the eneral Assembly, before the same shall become laws, but two-thirds of each ouse may pass a law notwithstanding his dissent; and if any bill shall not

be returned by the Governor within five days (Sundays excepted) after it has been presented to him, the same shall be a law, unless the General Assembly, by their adjournment, shall prevent its return. He may approve any appropriation, and disapprove any other appropriation, in the same bill, and the latter shall not be effectual unless passed by two-thirds of each House.

PAR. XVII. Every vote, resolution, or order, to which the concurrence of both houses may be necessary, except on a question of election, or adjournment, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by two-thirds of each house.

PAR. XVIII. He may require information in writing, from the officers in the Executive Department, on any subject relating to the duties of their respective offices. It shall be the duty of the Governor, quarterly, and oftener if he deems it expedient, to examine, under oath, the treasurer and comptroller-general of the State on all matters pertaining to their respective offices, and to inspect and review their books and accounts. The General Assembly shall have authority to provide by law for the suspension of either of said officers from the discharge of the duties of his office, and also for the appointment of a suitable person to discharge the duties of the same.

PAR. XIX. The Governor shall have power to appoint his own secretaries, not exceeding two in number, and to provide such other clerical force as may be required in his office; but the total cost for secretaries and clerical force in his office shall not exceed six thousand dollars per annum.

SECTION II.

PARAGRAPH I. The secretary of State, comptroller-general, and treasurer shall be elected by persons qualified to vote for members of the General Assembly, at the same time and in the same manner as the Governor. The provisions of the Constitution as to the transmission of the returns of election, counting the votes, declaring the result, deciding when there is no election, and when there is a contested election, applicable to the election of Governor, shall apply to the election of secretary of State, comptroller-general and treasurer; they shall be commissioned by the Governor and hold their offices for the same time as the Governor.

PAR. II. The salary of the treasurer shall not exceed two thousand dollars per annum. The clerical expenses of his department shall not exceed sixteen hundred dollars per annum.

PAR. III. The salary of the secretary of State shall not exceed two thousand dollars per annum, and the clerical expenses of his department shall not exceed one thousand dollars per annum.

PAR. IV. The salary of the comptroller-general shall not exceed two thousand dollars per annum. The clerical expenses of his department, including the insurance department and wild-land clerk, shall not exceed four thousand dollars per annum; and without said clerk, it shall not exceed three thousand dollars per annum.

PAR. V. The treasurer shall not be allowed, directly or indirectly, to receive any fee, interest, or reward from any person, bank, or corporation for the deposit or use, in any manner, of the public funds; and the General Assembly shall enforce this provision by suitable penalties.

PAR. VI. No person shall be eligible to the office of secretary of State, comptroller-general, or treasurer, unless he shall have been a citizen of the United States for ten years, and shall have resided in this State for six years next preceding his election, and shall be twenty-five years of age when elected. All of said officers shall give bond and security, under regulations to be prescribed by law, for the faithful discharge of their duties.

PAR. VII. The secretary of State, the comptroller-general, and the treasurer shall not be allowed any fee, perquisite, or compensation, other than their

alaries as prescribed by law, except their necessary expenses when absent rom the seat of government on business for the State.

SECTION III.

PARAGRAPH I. The great seal of the State shall be deposited in the office f the secretary of State, and shall not be affixed to any instrument of writing xcept by order of the Governor, or General Assembly, and that now in use hall be the great seal of the State until otherwise provided by law.

ARTICLE VI.

JUDICIARY.

SECTION I.

The judicial powers of the State shall be vested in a Supreme Court, a ourt of Appeals, superior courts, courts of ordinary, justices of the peace, ommissioned notaries public, and such other courts as have been or may be tablished by law.[8]

SECTION II.

PARAGRAPH I. The Supreme Court shall consist of a Chief Justice and e Associate Justices. A majority of the court shall constitute a quorum.[9]

PAR. II. When one or more of the judges are disqualified from deciding y case, by interest or otherwise, the Governor shall designate a judge, or dges, of the superior courts to preside in said case.

PAR. III. No judge of any court shall preside in any case where the lidity of any bond Federal, State, corporation, or municipal—is involved, ho holds in his own right, or as the representative of others, any material terests in the class of bonds upon which the question to be decided arises.

PAR. IV. The Chief Justice and Associate Justices shall hold their offices r six years, and until their successors are qualified. A successor to the cumbent whose term will soonest expire shall be elected by the General ssembly in 1880; a successor to the incumbent whose term of office is next duration shall be elected by the General Assembly in 1882; and a successor the third incumbent shall be elected by the General Assembly in 1884; t appointments to fill vacancies shall only be for the unexpired term, or ntil such vacancies are filled by elections, agreeably to the mode pointed t by this Constitution.

PAR. V. The Supreme Court shall have no original jurisdiction, but shall a court alone for the trial and correction of errors of law from the supe- or courts and the City Courts of Atlanta and Savannah, and such other e courts as have been or may hereafter be established in other cities; in l cases that involve the construction of the Constitution of the State of eorgia or of the United States, or of treaties between the United States and reign governments; in all cases in which the constitutionality of any law the State of Georgia or of the United States is drawn in question; and, until herwise provided by law, in all cases respecting titles to land; in all equity ses; in all cases which involve the validity of, or the construction of wills; all cases of conviction of a capital felony; in all habeas-corpus cases; in l cases involving extraordinary remedies; in all divorce and alimony cases. nd in all cases certified to it by the Court of Appeals for its determination shall also be competent for the Supreme Court to require by certiorari or herwise any case to be certified to the Supreme Court from the Court of ppeals for review and determination with the same power and authority if the case had been carried by writ of error to the Supreme Court. Any se carried to the Supreme Court or to the Court of Appeals, which belongs the class of which the other court has jurisdiction, shall unless otherwise ovided by law, be transferred to the other court under such rules as the

[8]Amendment proposed by the general assembly of 1906 and ratified on Nov. 1906.

[9]Amendment proposed by the general assembly of 1893 and ratified o nOct. 1894.

Supreme Court may prescribe, and the cases so transferred shall be heard and determined by the court which has jurisdiction thereof.[10]

PAR. VI. The Supreme Court shall dispose of every case at the first or second term after such writ of error is brought; and in case the plaintiff in error shall not be prepared at the first term to prosecute the case—unless prevented by providential cause—it shall be stricken from the docket, and the judgment below shall stand affirmed.

PAR. VII. In any case the court may, in its discretion, withhold its judgment until the next term after the same is argued.

PAR. VIII. The Supreme Court shall hereafter consist of a Chief Justice and five Associate Justices. The court shall have power to hear and determine cases when sitting either in a body or in two divisions of three judges each, under such regulations as may be prescribed by the General Assembly. A majority of either division shall constitute a quorum for that division. The Chief Justice and the Associate Justices of the Supreme Court shall hereafter be elected by the people at the same time and in the same manner as the Governor and the State-house officers are elected, except that the first election under this amendment shall be held on the third Wednesday in December, 1896, at which time one Associate Justice shall be elected for a full term of six years, to fill the vacancy occurring on January 1st, 1897, by the expiration of the term of one of the present incumbents, and three additional Associate Justices shall be elected for terms expiring, respectively, January 1st, 1899, January 1st, 1901, and January 1st, 1903. The persons elected as additional Associate Justices shall, among themselves, determine by lot which of the three last-mentioned terms each shall have, and they shall be commissioned accordingly. After said first election, all terms (except unexpired terms) shall be for six years each. In case of any vacancy which causes an unexpired term, the same shall be filled by executive appointment, and the person appointed by the Governor shall hold his office until the next regular election, and until his successor for the balance of the unexpired term shall have been elected and qualified. The returns of said special election shall be made to the secretary of State.[11]

PAR. IX. The Court of Appeals shall consist of the judges provided therefor by law at the time of the ratification of this amendment, and of such additional judges as the General Assembly shall from time to time prescribe. All terms of the judges of the Court of Appeals after the expiration of the terms of the judges provided for by law at the time of the ratification of the amendment (except unexpired terms) shall continue six years, and until their successors are qualified. The time and manner of electing judges, and the mode of filling a vacancy which causes an unexpired term, shall be the same as are or may be provided for by the laws relating to the election and appointment of Justices of the Supreme Court. The Court of Appeals shall

[10] Paragraph V has been amended twice; the first amendment was proposed by the general assembly of 1906 and ratified on Nov. 6, 1906; the present amendment was proposed by the general assembly of 1916 and ratified on Nov. 7, 1916. The text of the amendment of 1906 is as follows: Par. V. The Supreme Court shall have no original jurisdiction, but shall be a court alone for the trial and correction of errors in law and equity from the superior courts in all civil cases, whether legal or equitable, originating therein, or carried thereto from the court of ordinary, and in all cases of conviction of a capital felony, and for the determination of questions certified to it by the Court of Appeals; and shall sit at the seat of government at such times in each year as are or may be prescribed by law, for the trial and determination of writs of error from the superior courts and of questions certified to it as aforesaid. The provisions of this paragraph shall become effective on the first day of January, Anno Domini nineteen hundred and seven, but shall not affect cases which on that date are pending in the Supreme Court, except that cases then pending therein of the kind of which the Court of Appeals has jurisdiction may be transferred by the Supreme Court of Appeals. Any case thereafter carried to the Supreme Court which is of the class of which the Court of Appeals has jurisdiction may be transferred to the Court of Appeals, under such rules as the Supreme Court may prescribe, until otherwise provided by law; and the Court of Appeals shall try the cases so transferred.

[11] Paragraph VIII is a new paragraph; it was proposed by the general assembly of 1895 and was ratified on Oct. 7, 1896.

ve jurisdiction for the trial and correction of errors of law from the supe-
r courts and from the City Courts of Atlanta and Savannah, and such other
e courts as have been or may hereafter be established in other cities, [and] in
cases in which such jurisdiction has not been conferred by this Constitution
on the Supreme Court, and in such other cases as may hereafter be pre-
ribed by law; except that where a case is pending in the Court of Appeals
d the Court of Appeals desires instruction from the Supreme Court, it may
rtify the same to the Supreme Court, and thereupon a transcript of the record
ll be transmitted to the Supreme Court, which after having afforded to the
rties an opportunity to be heard thereon, shall instruct the Court of Appeals
the question so certified, and the Court of Appeals shall be bound by the in-
uctions so given. But if by reason of equal division of opinion among the
stices of the Supreme Court no such instruction is given, the Court of Appeals
y decide the question. The manner of certifying questions to the Supreme
urt by the Court of Appeals, and the subsequent proceedings in regard to the
me in the Supreme Court, shall be as the Supreme Court shall by its rules pre-
ribe, until otherwise provided by law. No affirmance of the judgment of
court below in cases pending in the Court of Appeals shall result from
lay in disposing of questions or cases certified from the Court of Appeals
the Supreme Court, or as to which such certificate has been required by the
preme Court as hereinbefore provided. All writs of error in the Supreme
urt or the Court of Appeals, when received by its clerk during a term of
court and before the docket of the term is by order of the court closed,
all be entered thereon; when received at any other time, shall be entered on
docket of the next term; and they shall stand for hearing at the term
which they are so entered, under such rules as the court may prescribe,
til otherwise provided by law. The Court of Appeals shall appoint a clerk
d a sheriff of the court. The reporter of the Supreme Court shall be the
porter of the Court of Appeals until otherwise provided by law. The laws
lating to the Supreme Court as to qualifications and salaries of judges, the
signation of other judges to preside when members of the court are dis-
alified, the powers, duties, salaries, fees and terms of officers, the mode of
rrying cases to the court, the powers, practice, procedure, times of sitting,
d costs of the court, the publication of reports of cases decided therein,
d in all other respects, except as otherwise provided in the Constitution
by the laws as to the Court of Appeals at the time of the ratification of this
nendment, and until otherwise provided by law, shall apply to the Court of
ppeals so far as they can be made to apply. The decisions of the Supreme
urt shall bind the Court of Appeals as precedents.[12]

[12]Paragraph IX is a new paragraph; it was first proposed by the general assembly 1906 and ratified on Nov. 6, 1906; the present amendment was proposed by the neral assembly of 1916 and was ratified on Nov. 7, 1916. The text of the amend-nt of 1906 is as follows: Par. IX. The Court of Appeals shall, until other-se provided by law, consist of three judges, of whom two shall constitute a quorum. shall sit at the seat of government and at such other places as may be prescribed law. The Governor shall, immediately on the ratification of this amendment, ll an election to be held on Tuesday after the first Monday in November, Anno omini nineteen hundred and six, at which the judges of the Court of Appeals shall elected in the manner in which justices of the Supreme Court are elected. The turns of said election shall be made to the Secretary of State, and the Secretary State shall canvass the returns and declare the three persons receiving the reatest number of votes to be elected. The terms of office of the judges then ected shall begin on the first day of January, Anno Domini nineteen hundred and ven, and shall continue respectively two, four and six years and until their suc-ssors are qualified. The persons so elected shall, among themselves, determine lot which of the terms each shall have, and they shall be commissioned accordingly the Governor. All terms of the judges of the Court of Appeals after the expira-on of the terms aforesaid (except unexpired terms) shall continue six years and ntil their successors are qualified. The times and manner of all other elections, nd the mode of filling a vacancy which causes an unexpired term, shall be the me as are or may be provided for by the laws relating to the election and appoint-ent of justices of the Supreme Court. The Court of Appeals shall have jurisdic-on for the trial and correction of errors in law and equity from the superior courts all cases in which such jurisdiction is not conferred by this Constitution on the upreme Court, and from the city courts of Atlanta and Savannah, and such other ke courts as have been or may be hereafter established in other cities, and in

SECTION III.

PARAGRAPH I. There shall be a judge of the superior courts for each judicial circuit, whose term of office shall be four years, and until his successor is qualified. He may act in other circuits when authorized by law. The legislature shall have authority to add one or more additional judges of the superior court for any judicial circuit in this State, and shall have authority to regulate the manner in which the judges of such circuits shall dispose of the business thereof, and shall fix the time at which the term or terms of office of such additional judge or judges shall begin, and the manner of his appointment or election, and shall have authority from time to time to add to the number of such judges in any judicial circuit, or to reduce the number of judges in any judicial circuit: Provided, that at all times there shall be at least one judge in every judicial circuit of this State.[13]

PAR. II. The successors to the present and subsequent incumbents shall be elected by the electors entitled to vote for members of the General Assembly of the whole State, at the general election held for such members, next preceding the expiration of their respective terms: Provided, that the successors for all incumbents whose terms expire on or before the first day of January, 1899, shall be elected by the General Assembly at its session for 1898, for the full term of four years.[14]

PAR. III. The terms of the judges to be elected under the Constitution (except to fill vacancies) shall begin on the first day of January after their election. Every vacancy occasioned by death, resignation, or other cause shall be filled by appointments of the Governor until the first day of January after the general election held next after the expiration of thirty days from

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such other cases as may hereafter be prescribed by law, except that where, in a case pending in the Court of Appeals, a question is raised as to the construction of a provision of the Constitution of this State or of the United States, or as to the Constitutionality of an Act of the General Assembly of this State, and a decision of the question is necessary to the determination of the case, the Court of Appeals shall so certify to the Supreme Court, and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instruction so given. But if by reason of an equal division of opinion among the justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question. The Court of Appeals may, at any time certify to the Supreme Court any other question of law concerning which it desires the instruction of the Supreme Court for the proper decision; and thereupon the Supreme Court shall give its instruction on the question certified to it, which shall be binding on the Court of Appeals in such case. The manner of certifying questions to the Supreme Court by the Court of Appeals and the subsequent proceedings in regard to the same in the Supreme Court, shall be, as the Supreme Court shall by its rules prescribe, until otherwise provided by law. No affirmance of the judgment of the court below, in cases pending in the Court of Appeals, shall result from delay in disposing of questions certified by the Court of Appeals to the Supreme Court. All writs of error in the Court of Appeals when received by its clerk during a term of the court and before the docket of the term is by order of the court closed, shall be entered thereon, and when received at another time shall be entered on the docket of the next term, and they shall stand for hearing at the term for which they are so entered, under such rules as the court may prescribe, until otherwise provided by law. The Court of Appeals shall appoint a clerk and a sheriff of the court. The reporter of the Supreme Court shall be reporter of the Court of Appeals, until otherwise provided by law. The first term of the Court of Appeals shall be held on the first Monday in January, Anno Domini nineteen hundred and seven. The laws relating to the Supreme Court, as to qualifications and salaries of the judges, the designation of other judges to preside when members of the court are disqualified, the powers, duties, salaries, fees and terms of officers, the mode of carrying cases to the court, the powers, practice, procedure, times of sitting and costs of the court, the publication of reports of cases decided therein and in all other respects, except as otherwise provided in this Constitution, and until otherwise provided by law, shall apply to the Court of Appeals so far as they can be made to apply. The decisions of the Supreme Court shall bind the Court of Appeals as precedents. The word "and" enclosed in brackets occurs in the session laws of 1916, but not in the journals, and as the latter are the ultimate authority, the word should be deleted.

[13]Amendment proposed by the general assembly of 1905 and ratified on Oct 3, 1906.

[14]Amendment proposed by the general assembly of 1897 and ratified on Oct 5, 1898.

the time such vacancy occurs, at which election a successor for the unexpired term shall be elected.[15]

SECTION IV.

PARAGRAPH I. The superior court shall have exclusive jurisdiction in cases of divorce; in criminal cases where the offender is subjected to loss of life, or confinement in the penitentiary; in cases respecting titles to land; and equity cases.

PAR. II. The General Assembly may confer upon the courts of common law all the powers heretofore exercised by courts of equity in this State.

PAR. III. Said courts shall have jurisdiction in all civil cases, except as hereinafter provided.

PAR. IV. They shall have appellate jurisdiction in all such cases as may be provided by law.

PAR. V. They shall have power to correct errors in inferior judicatories, by writ of certiorari, which shall only issue on the sanction of the judge; and said courts and the judges thereof shall have power to issue writs of mandamus, prohibition, scire facias, and all other writs that may be necessary for carrying their powers fully into effect, and shall have such other powers as are or may be conferred on them by law.

PAR. VI. The General Assembly may provide for an appeal from one jury, in the superior and city courts to another; and the said court may grant new trials on legal grounds.

PAR. VII. The court shall render judgment without the verdict of a jury, in all civil cases founded on unconditional contracts in writing, where an issuable defense is not filed under oath or affirmation.

PAR. VIII. The superior courts shall sit in each county not less than twice in each year, at such times as have been or may be appointed by law.

PAR. IX. The General Assembly may provide by law for the appointment of some proper person to preside in cases where the presiding judge is, from any cause, disqualified.

SECTION V.

PARAGRAPH I. In any county within which there is, or hereafter may be, a city court, the judges of said court and of the superior court may preside in the courts of each other in cases where the judge of either court is disqualified to preside.

SECTION VI.

PARAGRAPH I. The powers of a court of ordinary, and of probate, shall be vested in an ordinary for each county, from whose decision there may be an appeal (or, by consent of parties, without a decision) to the superior court, under regulations prescribed by law.

PAR. II. The courts of ordinary shall have such powers, in relation to roads, bridges, ferries, public buildings, paupers, county officers, county funds, county taxes, and other county matters, as may be conferred on them by law.

PAR. III. The ordinary shall hold his office for the term of four years, and until his successor is elected and qualified.

SECTION VII.

PARAGRAPH I. There shall be in each militia district one justice of the peace, whose official term, except when elected to fill an unexpired term, shall be four years. Provided, however, that the General Assembly may in its discretion abolish justice courts, and the office of justice of the peace and of notary public ex-officio justices of the peace in any city in this State having a population of over twenty thousand, and establish in lieu thereof such court or courts or system of courts, as the General Assembly may, in its discretion deem necessary, conferring upon such new court or courts or system of courts, when so established, the jurisdiction as to subject matter now exercised by justice courts and by justices of the peace and notaries public ex-officio justices of the peace, together with such additional jurisdiction, either as to

[15]Amendment proposed by the general assembly of 1897 and ratified on Oct. 7, 1898.

amount or to subject matter, as may be provided by law, whereof some other Court has not exclusive jurisdiction under this Constitution, together also with such provision as to rules and procedure in such courts and as to new trials and the correction of errors in and by said courts, and with such further provision for the correction of errors by the Superior Court, or the Court of Appeals or the Supreme Court as the General Assembly may from time to time, in its discretion, provide or authorize. Any Court so established shall not be subject to the rules of uniformity laid down in Paragraph I, of Section 9, of Article 6, of the Constitution of Georgia.[16]

PAR. II. Justices of the peace shall have jurisdiction in all civil cases arising ex contractu, and in cases of injuries or damages to personal property, when the principal sum does not exceed one hundred dollars, and shall sit monthly at fixed times and places; but in all cases there may be an appeal to a jury in said court, or an appeal to the superior court, under such regulations as may be prescribed by law.

PAR. III. Justices of the peace shall be elected by the legal voters in their respective districts, and shall be commissioned by the Governor. They shall be removable on conviction for malpractice in office.

SECTION VIII.

PARAGRAPH I. Commissioned notaries public, not to exceed one for each militia district, may be appointed by the judges of superior courts in their respective circuits, upon recommendation of the grand juries of the several counties. They shall be commissioned by the Governor for the term of four years, and shall be ex-officio justices of the peace, and shall be removable on conviction for malpractice in office.

SECTION IX.

PARAGRAPH I. The jurisdiction, powers, proceedings, and practice of all courts or officers invested with judicial powers (except city courts), of the same grade or class, so far as regulated by law, and the force and effect of the process, judgment, and decree by such courts, severally, shall be uniform. This uniformity must be established by the General Assembly.

SECTION X.

PARAGRAPH I. There shall be an attorney-general of this State, who shall be elected by the people at the same time, for the same term, and in the same manner as the Governor.

PAR. II. It shall be the duty of the attorney-general to act as the legal adviser of the executive department, to represent the State in the Supreme

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[16]Paragraph I has been amended twice; the first amendment was proposed by the general assembly of 1912 and ratified on Oct. 2, 1912; the present amendment was proposed by the general assembly of 1914 and ratified on November 3, 1914. The text of the amendment of 1912 is as follows: Par. I. There shall be in each Militia District one Justice of the Peace whose official term, except when elected to fill an unexpired term, shall be four years; provided, however, that the General Assembly may, in its discretion, abolish Justice Courts and the office of Justices of the Peace and of Notary Public, ex-officio Justices of the Peace in any city of this State having a population of over twenty thousand, except the city of Savannah, and establish in lieu thereof such Court or Courts or system of Courts as the General Assembly may, in its discretion, deem necessary, conferring upon such new Court or Courts or system of Courts when so established the jurisdiction as to subject matter now exercised by Justice Courts and by Justices of the Peace and Notaries Public, ex-officio Justices of the Peace, together with such additional jurisdiction either as to the amount or subject matter, as may be provided by law, whereof some other Court has not exclusive jurisdiction under this Constitution; together also with such provision as to rules and procedure, in such Courts and as to new trials and the correction of errors in and by said Courts and with such further provision for the correction of errors by the Superior Court or Court of Appeals, or the Supreme Court as the General Assembly may from time to time, in its discretion, provide or authorize. Any Court so established shall not be subject to the rules of uniformity laid down in Paragraph I of Section 9 of Article 6 of the Constitution of Georgia.

ourt in all capital felonies, and in all civil and criminal cases in any court hen required by the Governor, and to perform such other services as shall e required of him by law.

Section XI.

Paragraph I. There shall be a solicitor-general for each judicial circuit, hose official term (except to fill a vacancy) shall be four years. The suc- essors of present and subsequent incumbents shall be elected by the electors f the whole State, qualified to vote for members of the General Assembly, at he general election held next preceding the expiration of their respective erms. Every vacancy occasioned by death, resignation, or other cause shall e filled, by appointment of the Governor, until the first day of January after he general election held next after the expiration of thirty days from the me such vacancy occurs, at which election a successor for the unexpired erm shall be elected; Provided, that the successors for all incumbents whose erms expire on or before the first day of January, 1899, shall be elected by he General Assembly at its session for 1898, for the full term of four years.[17]

Par. II. It shall be the duty of the solicitor-general to represent the tate in all cases in the superior courts of his circuit, and in all cases taken o from his circuit to the Supreme Court, and to perform such other services s shall be required of him by law.

[Section XII. Repealed.][18]

Section XIII.

Paragraph I. The judges of the Supreme Court shall have, out of the reasury of the State, salaries not to exceed three thousand dollars per an- um; the judges of the superior courts shall have salaries not to exceed two housand dollars per annum; the attorney-general shall have a salary not to xceed two thousand dollars per annum; and the solicitors-general each shall ave salaries not to exceed two hundred and fifty dollars per annum; but the ttorney-general shall not have any fee or perquisite in any cases arising after he adoption of this Constitution; but the provisions of this section shall not ffect the salaries of those now in office. Provided, however, that the counties f Clarke, Floyd, Sumter, Muscogee, Bibb, Chatham, Fulton and Richmond hall pay from their respective county treasuries to the superior court judges f the circuit of which they are a part, and the County of Fulton to the judge f the Stone Mountain Circuit or the judge of such other circuit as may here- fter be required to regularly preside therein, for additional services rendered the Superior Court of Fulton County, such sums as will, with the salaries aid each judge from the State Treasury, make a salary of $5,000.00 per nnum to each judge; and said payments are declared to be a part of the ourt expenses of such counties, such payments to be made to the judges now office as well as their successors.

The Act of the General Assembly of 1904 entitled "An Act to regulate he salaries of Judges of the Superior Courts of all Judicial Circuits of this tate having, or that may hereafter have therein a city with a population of ot less than 54,000, nor more than 75,000 inhabitants, and for other pur- oses," with the Acts of the General Assembly of 1905 and 1906 amendatory hereof; and also the Act of the General Assembly of 1906, entitled "An Act o Regulate the Compensation of Judges of the Superior Courts for services endered outside of their own Circuits in those Judicial Circuits of the State aving therein a city of not less than 75,000 inhabitants according to the ensus of 1900, and for other purposes", which Acts provide for the payment om the treasuries of the counties containing said cities to the judges afore

[17]Amendment proposed by the general assembly of 1897 and ratified on Oct. 1898.

[18]Repealed by Art. VI. Sec. 2, Par. VIII; Art. VI. Sec. 8, Par. II; and Art. VI. ec. 11, Par. I.

said of a part of their salaries, are ratified, validated and confirmed as to the dates of said respective enactments.[19]

PAR. II. The General Assembly may at any time, by a two-thirds vote of each branch, prescribe other and different salaries for any or all of the above officers, but no such change shall affect the officers then in commission: Provided, however, that the General Assembly shall have power, at any time, by a majority vote of each branch, to abolish the fees at present accruing to the office of solicitor-general in any particular judicial circuit, and in lieu thereof to prescribe a salary for such office, in addition to the salary prescribed in paragraph I of this section of this article, and without regard to the uniformity of such salaries in the various circuits; and shall have the further power to determine what disposition shall be made of the fines, forfeitures and fees accruing to the office of solicitor-general in any such judicial circuit where the fees are abolished.[20]

SECTION XIV.

PARAGRAPH I. No person shall be judge of the Supreme or Superior courts, or attorney-general, unless, at the time of his election, he shall have attained the age of thirty years, and shall have been a citizen of the State three years, and have practiced law for seven years; and no person shall be hereafter elected solicitor general, unless, at the time of his election, he shall have attained twenty-five years of age, shall have been a citizen of the State for three years, and shall have practiced law for three years next preceding his election.

SECTION XV.

PARAGRAPH I. No total divorce shall be granted, except on the concurrent verdicts of two juries at different terms of the court.

PAR. II. When a divorce is granted, the jury rendering the final verdict shall determine the rights and disabilities of the parties.

SECTION XVI.

PARAGRAPH I. Divorce cases shall be brought in the county where the defendant resides, if a resident of this State; if the defendant be not a resident of this State, then in the county in which the plaintiff resides.

PAR. II. Cases respecting titles to land shall be tried in the county where the land lies, except where a single tract is divided by a county line, in which case the superior court in either county shall have jurisdiction.

PAR. III. Equity cases shall be tried in the county where a defendant resides against whom substantial relief is prayed.

PAR. IV. Suits against joint obligors, joint promissors, copartners, or joint trespassers, residing in different counties, may be tried in either county.

PAR. V. Suits against the maker and indorser of promissory notes, or drawer, acceptor, and endorser of foreign or inland bills of exchange, or like instruments, residing in different counties, shall be brought in the county where the maker or acceptor resides.

PAR. VI. All other civil cases shall be tried in the county where the defendant resides, and all criminal cases shall be tried in the county where the crime was committed, except cases in the superior courts where the judge is satisfied that an impartial jury cannot be obtained in such county.

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[19]Paragraph I has been amended three times; the first amendment was proposed by the general assembly of 1910 and was ratified on Oct. 5, 1910; the second amendment was proposed by the general assembly of 1913 and ratified on Nov. 3, 1914; the third amendment was proposed by the general assembly of 1916 and ratified on Nov. 7, 1916. That part of the paragraph preceding the proviso is the original section of 1877; the amendment of 1910, with the exceptions hereafter noted, added the proviso; the amendment of 1913 added the word "Bibb;" the amendment of 1916 added the words "Clarke, Floyd, Sumter, Muscogee."

[20]Amendment proposed by the general assembly of 1916 and ratified on Nov. 7, 1916. The proviso only is the amendment.

Section XVII.

Paragraph I. The power to change the venue in civil and criminal cases ıall be vested in the superior courts, to be exercised in such manner as has ɔen, or shall be, provided by law.

Section XVIII.

Paragraph I. The right of trial by jury, except where it is otherwise ɔrovided in this Constitution, shall remain inviolate, but the General Assem- y may prescribe any number, not less than five, to constitute a trial or ıaverse jury in courts other than the superior and city courts.

Par. II. The General Assembly shall provide by law for the selection of ıe most experienced, intelligent, and upright men to serve as grand jurors, ıd intelligent and upright men to serve as traverse jurors. Nevertheless the rand jurors shall be competent to serve as traverse jurors.

Par. III. It shall be the duty of the General Assembly, by general laws, ɔ prescribe the manner of fixing compensation of jurors in all counties in ıis State.

Section XIX.

Paragraph I. The General Assembly shall have power to provide for ıe creation of county commissioners in such counties as may require them, ıd to define their duties.

Section XX.

Paragraph I. All courts not specially mentioned by name in the first ɔction of this article may be abolished in any county, at the discretion of the ɔeneral Assembly.

Section XXI.

Paragraph I. The costs in the Supreme Court shall not exceed ten dol- ırs, until otherwise provided by law. Plaintiffs in error shall not be required ɔ pay costs in said court when the usual pauper oath is filed in the court ɔelow.

ARTICLE VII.

Finance, Taxation and Public Debt.

Section I.

Paragraph I. The powers of taxation over the whole State shall be exer- ɔed by the General Assembly for the following purposes only:

For the support of the State government and the public institutions.

For educational purposes, in instructing children in the elementary branches ' an English education only.

To pay the interest on the public debt.

To pay the principal of the public debt.

To suppress insurrection, to repel invasion, and defend the State in time ' war.

To supply the soldiers who lost a limb or limbs, in the military service of ıe Confederate States, with substantial artificial limbs, during life; and make ıitable provisions for such Confederate soldiers as may have been otherwise ısabled or permanently injured in such service, or who may, by reason of ge and poverty, or infirmity and poverty, or blindness and poverty, be unable ɔ provide a living for themselves, and for the widows of such Confederate ɔldiers as may have died in the service of the Confederate States, or since, ɔm wounds received therein, or disease contracted in the service, or who, ɔ reason of age and poverty, or infirmity and poverty, or blindness and ɔverty, are unable to provide a living for themselves: Provided, that the ɛt shall only apply to such widows as were married at the time of such ervice, and have remained unmarried since the death of such soldier husband.

To make provision for the payment of pensions to any ex-Confederate ɔldier, now resident of this State, who enlisted in the military service of this ıate, or who enlisted in the military service of the Confederate States during

the civil war between the States of the United States, and who performed actual military service in the armies of the Confederate States, or the organized militia of this State, and was honorably discharged therefrom; and to widows, now residents of this State, of ex-Confederate soldiers who enlisted in the military service of this State, or who enlisted in the military service of the Confederate States, and who performed actual military service in the armies of the Confederate States or of the organized militia of this State, who died in said military service, or were honorably discharged therefrom: Provided, that no person shall be entitled to the provisions of this constitutional amendment the total value of whose property of every description, including money and choses in action, shall exceed fifteen hundred dollars; and, Provided further, that only those widows who were married to such soldier or ex-soldier previously to the year 1870 shall be entitled to the provisions of this constitutional amendment. No widow of a soldier killed during the war shall be deprived of her pension by reason of having subsequently married another veteran who is dead, unless she receives a pension on account of being the widow of such second husband.[21]

PAR. II. The levy of taxes on property for any one year by the General Assembly for all purposes, except to provide for repelling invasion, suppressing insurrection, or defending the State in time of war, shall not exceed five mills on each dollar of the value of the property taxable in the State.[22]

SECTION II.

PARAGRAPH I. All taxation shall be uniform upon the same class of subjects, and ad valorem on all property subject to be taxed within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws. The General Assembly may, however, impose a tax upon such domestic animals as, from their nature and habits, are destructive of other property.

PAR. II. The General Assembly may, by law, exempt from taxation all public property; places of religious worship or burial; all institutions of purely public charity; all buildings erected for and used as a college, incorporated academy, or other seminary of learning; the real and personal estate of any public library, and that of any other literary association, used by or connected with such library; all books and philosophical apparatus; and all paintings and statuary of any company or association, kept in a public hall, and not held as merchandise or for purposes of sale or gain: Provided, the property so exempted be not used for purposes of private or corporate profit or income. The General Assembly shall, further, have power to exempt from taxation, farm products, including baled cotton, grown in this State and remaining in the hands of the producers, but not longer than for the year next after their production.[23]

PAR. III. No poll-tax shall be levied except for educational purposes, and such tax shall not exceed one dollar annually upon each poll.

PAR. IV. All laws exempting property from taxation, other than the property herein enumerated, shall be void.

PAR. V. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

PAR. VI. All persons or classes of persons who were, by laws of force January 1st, 1911, required to make returns for taxation to the comptroller

[21]Paragraph I has been amended four times; the first amendment was proposed by the general assembly of 1885 and ratified Oct. 6 1886; the second amendment was proposed by the general assembly of 1899 and ratified Oct. 1, 1890; the third amendment was proposed by the general assembly of 1899 and ratified on Oct. 4, 1900; the fourth amendment was proposed by the general assembly of 1908 and ratified on Oct. 7, 1908. The amendments consist entirely of successive additions to the original paragraph.

[22]Paragraph II is a new paragraph; it was proposed by the general assembly of 1903 and was ratified on Oct. 5, 1904.

[23]Amendment proposed by the general assembly of 1912 and ratified on Nov. 5, 1912.

eneral, and all who may hereafter be so required, shall, on or before the first ay of March of each year, make such returns as of date of January 1st of hat year, and shall pay the taxes arising on such returns in favor of the tate on or before the first of September of the same year, anything hereto- ore contained in the Constitution or laws of Georgia to the contrary notwith- tanding. The laws of force on said date governing such returns and pay- ents, and the collection and enforcement thereof shall remain of force as pplicable to the returns and payments herein required until the same shall e changed by law. The General Assembly shall have power to make or alter ll laws that may be necessary or proper for enforcing the provisions of this aragraph.[24]

Section III.

Paragraph I. No debt shall be contracted by or on behalf of the State, xcept to supply such temporary deficit as may exist in the treasury in any ear from necessary delay in collecting the taxes of that year, to repel inva- ion, suppress insurrection, and defend the State in time of war, or to pay he existing public debt; but the debt created to supply deficiencies in revenue hall not exceed, in the aggregate, Five Hundred Thousand Dollars, and any oan made for this purpose shall be repaid out of the taxes levied for the ear in which the loan is made.[25]

Section IV.

Paragraph I. All laws authorizing the borrowing of money by or on ehalf of the State shall specify the purposes for which the money is to be sed, and the money so obtained shall be used for the purpose specified, and or no other.

Section V.

Paragraph I. The credit of the State shall not be pledged or loaned to ny individual, company, corporation, or association, and the State shall not ecome a joint owner or stockholder in any company, association, or corpo ation.

Section VI.

Paragraph I. The General Assembly shall not authorize any county, unicipal corporation, or political division of this State to become a stock- older in any company, corporation, or association, or to appropriate money or, or to loan its credit to, any corporation, company, association, institution, r individual, except for purely charitable purposes. This restriction shall ot operate to prevent the support of schools by municipal corporations within eir respective limits: Provided, that if any municipal corporation shall offer o the State any property for locating or building a capitol, and the State ccepts such offer, the corporation may comply with such offer.

Par. II. The General Assembly shall not have power to delegate to any ounty the right to levy a tax for any purpose, except for educational pur- oses; to build and repair the public buildings and bridges; to maintain and upport prisoners; to pay jurors and coroners, and for litigation, quarantine, oads and expenses of Courts; to support paupers and pay debts heretofore xisting; to pay the county police, and to provide for necessary sanitation.[26]

Section VII.

Paragraph I. The debt hereafter incurred by any county, municipal cor- oration or political division of this State, except as in this Constitution pro- ided for, shall not exceed seven per centum of the assessed value of all the axable property therein, and no such county, municipality or division shall ncur any new debt, except for a temporary loan or loans to supply casual

[24]Paragraph VI is a new paragraph; it was proposed by the general assembly f 1911 and ratified on Oct. 2, 1912.

[25]Amendment proposed by the general assembly of 1911 and ratified on Oct. 1912.

[26]Amendment proposed by the general assembly of 1908 and ratified on Oct. 7, 908.

deficiencies of revenue, not to exceed one-fifth of one per centum of the assessed value of taxable property therein, without the assent of two-thirds of the qualified voters thereof, at an election for that purpose, to be held as may be prescribed by law; but any city, the debt of which does not exceed seven per centum of the assessed value of the taxable property at the time of the adoption of this Constitution, may be authorized by law to increase, at any time, the amount of said debt, three per centum upon such assessed valuation; except that the City Council of Augusta from time to time, as necessary, for the purpose of protection against floods, may incur a bonded indebtedness upon its power producing canal and municipal water works, in addition to the debts hereinbefore in this paragraph allowed to be incurred to an amount in the aggregate not exceeding fifty per centum of the combined value of such properties, the valuation of such properties to be fixed as may be prescribed by law, but said valuation not to exceed a figure five per cent. on which shall represent the net revenue per annum produced by the two such properties together at the time of said valuation, and such indebtedness not to be incurred except with the assent of two-thirds of the qualified voters of such city, at an election or elections for that purpose to be held as may be now, or may be hereafter, prescribed by law for the incurring of new debts by said the City Council of Augusta.[27]

PAR. II. Any county, municipal corporation, or political division of this State, which shall incur any bonded indebtedness under the provisions of this Constitution, shall, at or before the time of so doing, provide for the assessment and collection of an annual tax, sufficient in amount to pay the principal and interest of said debt within thirty years from the date of the incurring of said indebtedness.

SECTION VIII.

PARAGRAPH I. The State shall not assume the debt, nor any part thereof, of any county, municipal corporation, or political division of the State, unless such debt shall be contracted to enable the State to repel invasion, suppress insurrection, or defend itself in time of war.

SECTION IX.

PARAGRAPH I. The receiving, directly or indirectly, by any officer of the State or county, or member or officer of the General Assembly, of any interests, profits, or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State or county purposes, shall be deemed a felony, and punishable as may be prescribed by law, a part of which punishment shall be a disqualification from holding office.

SECTION X.

PARAGRAPH I. Municipal corporations shall not incur any debt until provision therefor shall have been made by the municipal government.

SECTION XI.

PARAGRAPH I. The General Assembly shall have no authority to appropriate money, directly or indirectly, to pay the whole, or any part, of the principal or interest of the bonds, or other obligations, which have been pronounced illegal, null and void, by the General Assembly, and the constitutional amendments ratified by a vote of the people on the first day of May, 1877 nor shall the General Assembly have authority to pay any of the obligations created by the State under laws passed during the late war between the States, nor any of the bonds, notes, or obligations made and entered into during the existence of said war, the time for the payment of which was fixed after the ratification of a treaty of peace between the United States and Confederate States; nor shall the General Assembly pass any law, or the Gov

[27] Amendment proposed by the general assembly of 1909 and ratified on Oct. 5, 1910.

nor, or other State official, enter into any contract or agreement, whereby e State shall be made a party to any suit in any court of this State, or of e United States, instituted to test the validity of any such bonds or obliga-ons.

SECTION XII.

PARAGRAPH I. The bonded debt of the State shall never be increased, cept to repel invasion, suppress insurrection, or defend the State in time war.

SECTION XIII.

PARAGRAPH I. The proceeds of the sale of the Western and Atlantic, con and Brunswick, or other railroads held by the State, and any other operty owned by the State, whenever the General Assembly may authorize sale of the whole or any part thereof, shall be applied to the payment of bonded debt of the State, and shall not be used for any other purpose atever so long as the State has any existing bonded debt: Provided, that proceeds of the sale of the Western and Atlantic Railroad shall be applied the payment of the bonds for which said railroad has been mortgaged, in ference to all other bonds.

SECTION XIV.

PARAGRAPH I. The General Assembly shall raise, by taxation, each year, addition to the sum required to pay the public expenses and interest on the blic debt, the sum of one hundred thousand dollars, which shall be held as sinking fund to pay off and retire the bonds of the State which have not matured, and shall be applied to no other purpose whatever. If the bonds not at any time be purchased at or below par, then the sinking fund herein vided for, may be loaned by the Governor and treasurer of the State: vided, the security which shall be demanded for said loan shall consist ly of the valid bonds of the State; but this section shall not take effect til the eight per cent. currency bonds, issued under the Act of February 19th, 1873, shall have been paid.

SECTION XV.

PARAGRAPH I. The comptroller-general and treasurer shall each make to Governor a quarterly report of the financial condition of the State, which port shall include a statement of the assets, liabilities, and income of the te, and expenditures therefor, for the three months preceding; and it shall the duty of the Governor to carefully examine the same by himself, or rough competent persons connected with his department, and cause an ab-act thereof to be published for the information of the people, which abstract all be indorsed by him as having been examined.

SECTION XVI.

PARAGRAPH I. The General Assembly shall not, by vote, resolution, or der, grant any donation or gratuity in favor of any person, corporation, or sociation.

PAR. II. The General Assembly shall not grant or authorize extra com-nsation to any public officer, agent, or contractor, after the service has been ndered, or the contract entered into.

SECTION XVII.

PARAGRAPH I. The office of the State printer shall cease with the expira-on of the term of the present incumbent, and the General Assembly shall ovide, by law, for letting the public printing to the lowest responsible bid-r, or bidders, who shall give adequate and satisfactory security for the ithful performance thereof. No member of the General Assembly, or other blic officer, shall be interested, either directly or indirectly, in any such ntract.

ARTICLE VIII.

EDUCATION.

SECTION I.

PARAGRAPH I. There shall be a thorough system of common schools for the education of the children, as nearly uniform as practicable, the expense of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races.[28]

SECTION II.

PARAGRAPH I. There shall be a State school commissioner, elected by the people at the same time and manner as the Governor and State-house officers are elected, whose term of office shall be two years, and until his successor is elected and qualified. His office shall be at the seat of the government, and he shall be paid a salary not to exceed two thousand dollars per annum. The General Assembly may substitute for the State school commissioner such officer, or officers as may be deemed necessary to perfect the system of public education.[29]

SECTION III.

PARAGRAPH I. The poll tax, any educational fund now belonging to the State (except the endowment of, and debt due to, the University of Georgia), a special tax on shows and exhibitions and on the sale of spirituous and malt liquors, which the General Assembly is hereby authorized to assess, and the proceeds of any commutation tax for military service, and all taxes that may be assessed on such domestic animals as from their nature and habits, are destructive to other property are hereby set apart and devoted for the support of common schools.

SECTION IV.

PARAGRAPH I. Authority may be granted to counties, militia districts, school districts and to municipal corporations, upon the recommendation of the corporate authority, to establish and maintain public schools in their respective limits by local taxation; but no such laws shall take effect until the same shall have been submitted to a vote of the qualified voters in each county, militia district, school district, or municipal corporation and approved by two-thirds majority of persons voting at such election, and the General Assembly may prescribe who shall vote on such questions.[30]

SECTION V.

PARAGRAPH I. Existing local school systems shall not be affected by this Constitution. Nothing contained in first section of this Article shall be construed to deprive schools in this State, not common schools, from participation in the educational fund of the State, as to all pupils therein taught in the elementary branches of an English education.

SECTION VI.

PARAGRAPH I. The trustees of the University of Georgia may accept bequests, donations, and grants of land or other property for the use of said University. In addition to the payment of the annual interest on the debt due by the State to the University, the General Assembly may, from time to time, make such donations thereto as the condition of the treasury will authorize. And the General Assembly may also, from time to time, make such appropriations of money as the condition of the treasury will authorize to any college or university (not exceeding one in number) now established, or hereafter to be established, in this State for the education of persons of color

[28] Amendment proposed by the general assembly of 1911 and ratified on Oct. 2, 1912.

[29] Amendment proposed by the general assembly of 1894 and ratified on Oct. 7, 1896.

ARTICLE IX.

HOMESTEAD AND EXEMPTION.

SECTION I.

PARAGRAPH I. There shall be exempt from levy and sale, by virtue of any ocess whatever under the laws of this State, except as hereinafter excepted, the property of every head of a family, or guardian or trustee of a family minor children, or every aged or infirm person, or person having the care l support of dependent females of any age, who is not the head of a family, alty or personalty, or both, to the value in the aggregate of sixteen hundred llars.

SECTION II.

PARAGRAPH I. No court or ministerial officer in this State shall ever have isdiction or authority to enforce any judgment, execution, or decree against property set apart for such purpose, including such improvements as may made thereon from time to time, except for taxes, for the purchase-money the same, for labor done thereon, for material furnished therefor, or for removal of incumbrances thereon.

SECTION III.

PARAGRAPH I. The debtor shall have power to waive or renounce in iting his right to the benefit of the exemption provided for in this Article, cept as to wearing apparel, and not exceeding three hundred dollars worth household and kitchen furniture and provisions, to be selected by himself l his wife, if any; and he shall not, after it is set apart, alienate or encumber the property so exempted, but it may be sold by the debtor and his fe, if any, jointly, with the sanction of the judge of the superior court of county where the debtor resides or the land is situated, the proceeds to be nvested upon the same uses.

SECTION IV.

PARAGRAPH I. The General Assembly shall provide by law, as early as racticable, for the setting apart and valuation of said property. But nothing this Article shall be construed to affect or repeal the existing laws for emption of property from sale contained in the present Code of this State, paragraphs 2040 to 2049 inclusive, and the Acts amendatory thereto. It y be optional with the applicant to take either, but not both, of such emptions.

SECTION V.

PARAGRAPH I. The debtor shall have authority to waive or renounce in iting his right to the benefit of the exemption provided for in section four, cept as it is excepted in section three of this article.

SECTION VI.

PARAGRAPH I. The applicant shall, at any time, have the right to supple ent his exemption by adding to an amount already set apart, which is less an the whole amount of exemption herein allowed, a sufficiency to make his emption equal to the whole amount.

SECTION VII.

PARAGRAPH I. Homestead and exemptions of personal property which have en heretofore set apart by virtue of the provisions of the existing constitu n of this State, and in accordance with the laws for the enforcement thereof, which may be hereafter so set apart, at any time, shall be and remain valid against all debts and liabilities existing at the time of the adoption of this nstitution, to the same extent that they would have been had said existing nstitution not been revised.

*Amendment proposed by the general assembly of 1903 and ratified on Oct. 1904

Section VIII.

Paragraph I. Rights which have become vested under previously existin laws shall not be affected by anything herein contained. In all cases in whic homesteads have been set apart under the Constitution of 1868 and the law made in pursuance thereof, and a bona fide sale of such property has bee subsequently made, and the full purchase-price thereof has been paid, all righ of exemption in such property by reason of its having been so set apart sha cease in so far as it affects the right of the purchaser. In all such case where a part only of the purchase-price has been paid, such transactions sha be governed by the laws now of force in this State, in so far as they affec the rights of the purchaser, as though said property had not been set apart.

Section IX.

Paragraph I. Parties who have taken a homestead of realty under th Constitution of eighteen hundred and sixty-eight shall have the right to se said homestead and reinvest the same, by order of the judge of the superio courts of this State.

ARTICLE X.

Militia.

Section I.

Paragraph I. A well regulated militia being essential to the peace an security of the State, the General Assembly shall have authority to provid by law how the militia of this State shall be organized, officered, trained armed and equipped; and of whom it shall consist.

Par. II. The General Assembly shall have power to authorize the formation of volunteer companies, and to provide for their organization into ba talions, regiments, brigades, divisions and corps, with such restrictions as ma be prescribed by law, and shall have authority to arm and equip the same.

Par. III. The officers and men of the militia and volunteer forces sha not be entitled to receive any pay, rations, or emoluments, when not in activ service by authority of the State.

ARTICLE XI.

Counties and County Officers.

Section I.

Paragraph I. Each county shall be a body corporate, with such power and limitations as may be prescribed by law. All suits by or against a coun shall be in the name thereof; and the metes and bounds of the several counti shall remain as now prescribed by law, unless changed as hereinafter pr vided.

Paragraph II. There shall not be more than one hundred and forty-fi counties in this State: Provided, however, that in addition to the counti now provided for by this Constitution there shall be a new county laid o from the counties of Irwin and Wilcox, bounded as follows: beginning at t point where the south line of land lot No. 167 in the third district of Wilc county crosses the Alapaha river, and running due east along the south li to the northeast corner of land lot No. 159 in the third district of Irw county; thence north to the northeast corner of land lot No. 172 in the thi district of Wilcox county; thence east to the northeast corner of land lot N 174 in the third district of Irwin county; thence south to the northeast corn of land lot No. 157 in the third district of Irwin county, and thence east the northeast corner of land lot No. 156 in the third district of Irwin coun and thence south to the northeast corner of land lot No. 66 in the third d trict of Irwin county; thence east to the northeast corner of land lot No. in the third district of Irwin county, and thence south to the northeast c ner of land lot No. 32 in the third district of Irwin county; thence east the southeast corner of land lot No. 233 in the fourth district of Irwin coun and thence north to the southwest corner of land lot No. 206 in the four

trict of Irwin county, and thence east to the southeast corner of land lot
. 39 in the fourth district of Irwin county, and thence north along the
st line of land lot No. 39 to the Ocmulgee river, and thence in a westerly
rection along the Ocmulgee river to the point where House creek in Wilcox
unty empties into the Ocmulgee river, and thence in a westerly direction
ng the said House creek to the point where the said House creek crosses
north line of land lot No. 255 in the third district of Wilcox county, and
nce west along the north line of said land lot No. 255 and the district line
ween the first and third districts in the said county of Wilcox to the
apaha river, and thence in a southerly direction along the said Alapaha
er to the starting point. That Fitzgerald shall be the county site of said
unty. Said county shall be attached to the Third Congressional district,
to the Oconee judicial circuit until another circuit shall be established em-
cing the present county of Irwin, in which case it shall belong to said new
uit, and shall be attached to the fifteenth State senatorial district. That
legal voters residing in the limits of said county of Ben Hill, entitled to
for members of the General Assembly under the laws of Georgia, shall,
the first Tuesday in January, 1907, elect an ordinary, a clerk of the supe-
court, a sheriff, a coroner, a tax collector, a tax receiver, a county sur-
or, and a county treasurer, and three commissioners of roads and revenues
said county, said election to be held at Fitzgerald, the county site of said
unty. That the superior courts of said county shall be held on the first
days in April and October of each year. The limits of the said county,
Congressional and senatorial districts and the judicial circuit to which
s attached, the time of holding the terms of the superior courts shall be
designated above until changed by law:

Provided, however, that, in addition to the counties now provided for by
Constitution there shall be a new county laid out and created from the
irory now comprising Pulaski County, to be made up and composed of all
part of the territory of Pulaski County lying north and east of a line
ending northwest and southeast across said county, said line beginning at
point on the boundary line of Pulaski and Dodge Counties where land lots
123 and 148, in the 20th land district of Pulaski County meet, and thence
ending from said point in a northwesterly direction along the line dividing
lots 123 and 148; thence continuing in a northwesterly direction along the
ding lines of the following land lots: Nos. 122 and 149, 121 and 150,
he 20th land district; and Nos. 300 and 301, 299 and 302, 298 and 303,
and 304, 296 and 305, 295 and 306, 294 and 307, 293 and 308, 292 and 309,
and 310, 290 and 311, 289 and 312, 288 and 313, 287 and 314, 286 and 315,
he 21st land district, and Nos. 354 and 361, and between lots 360 and 355,
between 359 and 356, between 358 and 357 in the 24th land district, to
Ocmulgee river and to the line of Houston County.

That the said new county shall be known as the County of Bleckley, and
City of Cochran shall be the county site of the same.

That the said County of Bleckley shall be attached to the same Con-
ssional District, and to the same Judicial Circuit, and to the same State
atorial District as those to which the County of Pulaski is attached at the
of the ratification of this amendment.

That all legal voters residing in the limits of the County of Bleckley, enti
to vote for members of the General Assembly under the laws of Georgia,
, on the first Wednesday in January following the ratification of this
osed amendment, elect an ordinary, a clerk of the Superior Court, a
iff, a coroner, a tax collector, a tax receiver, a county surveyor, and
county treasurer, and one commissioner of roads and revenues for said
county, and said election shall be held at Cochran.

That the Superior Courts of said Bleckley County shall be held on the
ond Monday in January and the first Monday in July, of each year.

That the Congressional and Senatorial Districts, the Judicial Circuit to
ch said county is attached, the time of holding the terms of the Superior
rts, and the limits of the county, shall be as designated above until changed
law.

Provided, that the laws applicable to the organization of new counties a found in Sections 829 to 848 inclusive, of the Code of 1911, are hereby mad applicable to said County of Bleckley, whenever the same may be created b the proposed amendment to the Constitution, and that said county when create shall become a statutory county and shall be at all times subject to all law applicable to all other counties in this State.

Provided, however, that in addition to the counties now provided for b this constitution there shall be a new county laid out from the county Montgomery, and bounded as follows: Commencing at a point on the weste bank of the Oconee river where the Laurens county line intersects with sa river, thence down the western bank of the said river to the mouth of th said river; thence up the northern bank of the Ocmulgee river to the mou of Little Ocmulgee river, thence up the said Little Ocmulgee river to the li of Dodge county, thence east along said line of Dodge county and Laure county to the western bank of the Oconee river to the starting point. Tha said new county, the boundaries of which are described herein, shall be calle and known by the name of Wheeler, and shall be attached to and become part of the Twelfth Congressional district, the Fifteenth State Senatorial di trict and the Oconee judicial circuit, and the county site of the said ne county shall be the town of Alamo. That all legal voters residing in th limits as herein described of said proposed new county of Wheeler entitle to vote for members of the General Assembly under the laws of Georgia, sha on the first Tuesday in January, 1913, elect an ordinary, a clerk of superi court, a sheriff, a coroner, a tax collector, a tax receiver, a county surveyo a county treasurer and three commissioners of roads and revenues for sa county, said election to be held at town of Alamo, the county site of said ne county. That the superior courts of said county shall be held on the fir Mondays in March and on the first Mondays in September of each year. Th limits of the said county, the Congressional and Senatorial districts, and th judicial circuit to which it is attached, and the time of holding the terms the superior courts, shall be as designated above until changed by law: pr vided, that the laws applicable to the organization of new counties as foun in section 829 to 848 inclusive, of the Code of 1911, are hereby made appli able to said county of Wheeler whenever the same may be created by th proposed amendment to the Constitution, and that said county when create shall become a statutory county and shall be at all times subject to all law applicable to all other counties in this State.

Provided, however, that in addition to the counties now provided for b this constitution there shall be a new county laid out from the counties Gwinnett, Walton and Jackson, said county bounded as follows: Beginnin at a point amid stream where the Mulberry River crosses the Hall Coun line joining Jackson County; thence following the line between Hall and Jac son Counties to the corner of Hall, Gwinnett and Jackson Counties; thence a direct line to the center of the Appalachia River at Freeman's mill; then following the middle of the current of said Appalachia River down to t line of Walton and Oconee Counties; thence following the line between Walt and Oconee Counties to the common corner of Walton, Jackson and Ocon counties; thence following the line between Jackson and Oconee Counties the Clarke County line dividing Oconee and Clark Counties; thence in a dire line to McClesky's Bridge at the central point over the Mulberry River; a thence up the said Mulberry River to the beginning point on the Hall Coun line. That Winder, Georgia, shall be the county site of said county. Sa county shall be attached to the Ninth Congressional District and to the We ern Judicial Circuit and shall be attached to the Thirty-third Senatorial D trict. That the name of said new county shall be Barrow, and that all leg voters residing in the limits of said county of Barrow entitled to vote members of the General Assembly under the laws of Georgia shall, on t first Tuesday in January 1915, elect an ordinary, a clerk of the Super Court, a sheriff, a coroner, a tax collector, a tax receiver, a county survey and a county treasurer. Said election to be held at Winder, Georgia, t county site of said county. That the Superior Courts of said county shall

ld on the fourth Mondays in March and September of each year. The limits
said county, the congressional and senatorial districts and the judicial cir-
it to which it is attached, the time of holding the terms of the Superior
ourt shall be as above designated until changed by law.

That in addition to the counties heretofore existing in this State, created
the General Assembly, and those created by amendments to the above and
oregoing Paragraph, Section and Article of the Constitution of this State,
here is hereby created an additional county, which county shall be known
s Candler County. The territory for the formation of said county of Candler
hall be taken from the counties of Emanuel, Bulloch and Tattnall, and the
id territory so taken for the formation of said new county of Candler shall
included within the following described boundaries, to-wit: Starting at
e south of Ten Mile Creek where it empties into Canoochee River; running
a northerly direction up said river to Excelsior Bridge; thence in a north-
ly direction straight course to Lott's Creek to a point one quarter of a mile
ove new bridge; thence along the line of Lott's Creek to DeLoach's Pond;
aving DeLoach's Pond running in a northwesterly direction, crossing the
ulloch and Emanuel County lines, intersecting with the Swainsboro and
atesboro public road, at D. B. Johnson's place; thence in a southwesterly
irection to Union School House; thence in a southwesterly direction to Cowart's
ill Pond; thence a direct line south to the Leo Collins crossing on Central
Georgia Railroad; thence a southwesterly course to Griffin's Ferry Bridge
the Ohoopee river (crossing line of Emanuel and Tattnal Counties), a
outherly course to a point where the counties of Emanuel and Tattnall meet
the Ohoopee River; thence a direct line east to Kennedy's Bridge on the
anoochee River. That when said county is created the county seat of the
ame shall be the town of Metter, now in the county of Bulloch; that if the
bove and foregoing amendment should be ratified by the people when the
ame is submitted to them for their ratification at the next general election
fter the adoption of this proposal to amend the Constitution there shall be
the first Wednesday in December after the proposed amendment to the
onstitution is adopted an election for the county officers herein named in
nd for said new county, to be held at the several election precincts existing
ithin the limits of said new county at the time of the adoption of the pro-
osed amendment, during the usual hours of holding elections, and all legally
ualified voters residing in said territory shall be qualified to vote at said
lection and the ordinaries of the several counties in which said election pre-
incts are located at the time of the adoption of this amendment shall each
ppoint the election managers for the precincts in the counties in which he
hall exercise jurisdiction of ordinary, and the managers of the election shall
n the day succeeding the election, meet at the town of Metter, the place desig-
ated as the county seat of the new county, and consolidate the vote for the
ounty officers, at such place within the limits of the town of Metter as shall
e designated by the Judge of the Superior Court of the middle circuit, whose
uty it is hereby made to designate the place of meeting of said election man-
gers within the corporate limits of said town of Metter, and the general
aws now in force as to the consolidation of the votes, the return of the elec-
ion and the commission of officers shall be applicable to officers elected at
uch special election herein provided for; that the officers to be elected at
aid special election herein provided shall be an ordinary, a clerk of the Supe-
ior Court, a sheriff, a tax collector, a tax receiver, a coroner, a county sur-
eyor, and a county treasurer; that said officers shall be commissioned as now
equired by law, and all laws now in force in this State to commission officers
nd for bonds required of them shall be applicable to the officers so elected;
hat the officers elected at said general election shall hold their offices until
he next general election for county officers and until their successors are
lected and qualified. The General Assembly is hereby given power to create
ny additional statutory officers in said county or statutory courts and to
rovide by law for filling said offices. Any vacancies that may occur before
he next general election in any of the offices created by said county may be
lled, as now provided by law. The said county of Candler shall be attached

to the First Congressional District, the Middle Judicial Circuit and the Seventeenth Senatorial District, but it shall be in the power of the General Assembly at any time to change the judicial circuit to which said county of Candler is attached, and the said General Assembly of Georgia is hereby given power to change said county of Candler in arranging congressional and senatorial districts as now provided by law. That the Superior Courts in said County of Candler shall be held on the third Mondays in February and August months of each year, but it shall be within the power of the General Assembly at any time by law to change the time of holding the courts and the number of terms thereof. That the Justices of the Peace and Constables residing in the territory included within the new county of Candler shall exercise the duties and powers of their office until new militia districts are laid out in said county of Candler, as now provided by law; that all of the provisions of the law as contained in Chapter Thirteen (13), of the Code of 1910, are hereby made applicable to the said county of Candler whenever the same is created; that all of the general laws in this State in addition to the above having application to the statutory counties of this State are hereby made applicable to the said county of Candler, especially the law in reference to holding elections for the purpose of creating a debt for said county; that when this amendment is adopted, the said county of Candler, so created by the adoption of this amendment, shall become in all respects a statutory county and shall be governed by all laws now in force in this State regulating county and county affairs.

Provided, however, that in addition to the counties now provided for by the Constitution of the State of Georgia, there shall be a new county laid out from the counties of Appling, Pierce and Ware; that the name of said county shall be Bacon, and the boundaries shall be as follows: Commencing at the southwest corner of the county of Appling, where it corners with Ware and Coffee Counties, being at the southwest corner of land lot 471 of the 5th district of Appling County; and running thence north along the dividing lines between the counties of Appling and Coffee to the southwest corner of land lot 464 of the 5th district of Appling County; and running thence west along the original land line to the southwest corner of land lot 510 of the 5th district of Appling County where it corners with Coffee County; and running thence north along the dividing line between the counties of Appling and Coffee to the northwest corner of land lot 115 of the 2nd district of Appling County where it corners with Jeff Davis County; and running thence east along the dividing line between Appling and Jeff Davis Counties to the northwest corner of land lot 108 in the 2d district of Appling County; thence running north along the dividing line of Appling and Jeff Davis Counties to the northwest corner of land lot 169 of the 2d district of Appling County; and thence east along the original land line to what is known as the Little Satilla River; and thence southeasterly along the middle thread of the Little Satilla River to a point where said river crosses the southern line of land lot 75 of the 4th district of Pierce County and running thence west along the original land line to the northwest corner of land lot 76 in the 4th district of Pierce County; thence running south along the original land line to the southeast corner of land lot 63 in the 4th district of Pierce County; and running thence west along the original land line to the southeast corner of land lot 30 in the 4th district of Pierce County; thence south along the original land line to the southeast corner of land lot 31 of the 4th district of Pierce County; thence west along the original land line to the southeast corner of land lot 16 in the 4th district of Pierce County; thence south along the original land line to the southeast corner of land lot 15 in the 4th district of Pierce County; thence west along the original land line to the southeast corner of land lot 38 in the 5th district of Pierce County; thence south along the original land line to the southeast corner of land lot 36 in the 5th district of Pierce County; thence west along the original land line to the southeast corner of land lot 57 in the 5th district of Pierce County; thence south along the original land line to the southeast corner of land lot 58 in the 5th district of Pierce County; thence west along the original land line to the southeast corner of land lot 81

the 5th district of Pierce County; thence south along the original land line the southeast corner of land lot 80 in the 5th district of Pierce County; hence west along the original land line to the southeast corner of land lot 5 in the 5th district of Pierce County, thence south along the original land ne to the southeast corner of land lot 106 in the 5th district of Pierce ounty; thence west along the original land lines to the southeast corner of nd lot 198 in the 5th district of Ware County; thence south along the orig- al land line to the southeast corner of land lot 199 in the 5th district of Vare County; thence west along the original land lines to the southwest rner of land lot 291 in the 5th district of Ware County; thence north long the original land lines to the northwest corner of land lot 290 in the h district of Ware County; thence west along the original land line to the uthwest corner of land lot 310 in the 5th district of Ware County; thence orth along the original land lines to the southwest corner of land lot 312 the 5th district of Ware County; thence west along the original land lines the southwest corner of land lot 471 to point and place of beginning.

That Alma, Georgia, shall be the county site of said county; that the id county shall be attached to the Eleventh Congressional District and to e Waycross Judicial Circuit and to the Third Senatorial District. That all e legal voters residing in the limits of said county of Bacon, entitled to te for members of the General Assembly under the laws of Georgia, shall the first Tuesday in January, 1915, at Alma, Georgia, the county site of id county, elect an ordinary, a clerk of the Superior Court, a sheriff, a cor- ner, a tax collector, a tax receiver, a county surveyor, county school super- tendent, and a county treasurer. The limits of said county, the congressional d senatorial districts and the judicial circuit to which it is added shall be as ove designated until changed by law. The Superior Court of said county all be held on the third Mondays in March and October. That said County Bacon is hereby declared to be a statutory county, the General Assembly the State of Georgia is hereby given the power by legislation to create cal offices and local courts in the said county, other than those provided for this constitution; and it is further declared that the General Assembly all have the same power to legislate in reference to said County of Bacon, at it has now as to other counties in the State. That all laws applicable the counties in this State are hereby made to apply to the said County of con. That said County of Bacon is hereby authorized to create a bonded bt not to exceed one hundred thousand dollars ($100,000) for public im- rovements in said county of Bacon, by the consent of the majority of the gular qualified voters of said County of Bacon voting at an election for that rpose. That said election to create said debt shall be held under law now force, for creation of the debt.

Provided, however, that in addition to the counties now provided for by is Constitution, there shall be a new county laid out and created from rtions of the Counties of Bulloch and Tattnall and embraced within the fol- wing boundary lines: Commencing at a point known as Johnson's Old Ferry the Canoochee River and running thence in a southwesterly direction along e boundary line between Liberty and Tattnall Counties to a point known the Ford on Canoochee Creek; thence in a westerly direction, a straight e to Jennie; thence a westerly direction a straight line to Roger's Crossing, the intersection of the Bellville and Reidsville Roads; thence in a northerly rection in a straight line to a point on the Seaboard Air Line Railway, half y between the towns of Bellville and Manassas, thence northerly in the ne direction in a straight line until it intersects the line of the proposed unty of Candler, thence along said line to the Canoochee River, thence in a rtherly direction down the Canoochee River to Kennedy's Bridge, thence in a sterly direction along the public road leading from Kennedy's Bridge to la Belle on the Register and Glennville Railroad; thence in an easterly rection along the old Dublin Road, to the right-of-way of the old Dublin ilroad bed; thence in a southeasterly direction down said right-of-way to ott's Creek, thence in the same direction down Scott's Creek to its mouth in ott's Creek, thence in a southerly direction down Lott's Creek to its mouth

into Canoochee River; and from thence down Canoochee River in a south easterly direction to the starting point at Johnson's Ferry. That the terr tory embraced in the foregoing boundary lines shall be known as and b named Evans County, and the city of Claxton shall be the county site of th same. That said proposed county shall be attached to the First Congres sional District, to the Atlantic Judicial Circuit and to the Second Senatoria District. That all legal voters residing within the limits of said propose county of Evans, entitled under the laws of Georgia to vote for members o the General Assembly, shall, on the first Wednesday in January following th ratification by the people of this proposed amendment, elect the followin officers for the said county of Evans: An ordinary, a clerk of the Superio Court, a sheriff, a coroner, a tax collector, a tax receiver, a county treasure a county surveyor, a county superintendent of public schools, and thre commissioners of roads and revenues, said election to be held at Claxton, th county site, according to law. That the Superior Courts of the said count of Evans shall be held on the fourth Mondays of January, March, June an October, of each year and that the grand jury for said county of Evans shal serve at the January and June terms of said court, each year; provided however, that the Judge of the Superior Court may, in his discretion, caus the grand jury of said county to be summoned at any term of said Superio Court. That the limits of said county of Evans, the congressional and Stat senatorial districts, the judicial circuit to which said county of Evans i hereby attached, the terms of the Superior Court of the same shall be a designated herein until changed by law; provided, that the laws applicabl to new counties, and not inconsistent, or in conflict with the provisions of thi Act, as found in Section 829 to 848, inclusive, of the Code of Georgia, 1910, ar hereby made applicable to said county of Evans, whenever said county i created, and that said county shall be subject to all laws applicable to a other counties of this State.[31]

PAR. III. County lines shall not be changed, unless under the operatio of a general law for that purpose.

PAR. IV. No county site shall be changed or removed, except by a tw thirds vote of the qualified voters of the county, voting at an election hel for that purpose, and a two-thirds vote of the General Assembly.

PAR. V. Any county may be dissolved and merged with contiguous cou ties, by a two-thirds vote of the qualified electors of such county, voting a an election held for that purpose.

SECTION II.

PARAGRAPH I. The county officers shall be elected by the qualified vote of their respective counties or districts, and shall hold their office for fo years. They shall be removed on conviction for malpractice in office; and n person shall be eligible to any of the offices referred to in this paragra unless he shall have been a resident of the county for two years and is qualified voter. *Provided*, that the provisions of this amendment shall n become effective until January 1st, 1917.[32]

SECTION III.

PARAGRAPH I. Whatever tribunal, or officers, may hereafter be created the General Assembly, for the transaction of county matters, shall be unifor throughout the State, and of the same name, jurisdiction, and remedies, e cept that the General Assembly may provide for the appointment of co

[31]Paragraph II has been amended nine times; the first amendment was propos by the general assembly of 1904 and ratified on Oct. 5, 1904; the second amendme was proposed by the general assembly of 1906 and ratified on Nov. 6, 1906; t general assembly of 1912 proposed two amendments to this Paragraph, one of wh was ratified on Oct. 2 and the other on Nov. 5, 1912; the general assembly of 19 proposed four amendments to this Paragraph, all of which were ratified on N 3, 1914; the general assembly of 1916 proposed one amendment which was ratif on Nov. 7, 1916. The Paragraph has been amended by successive additions.

[32]Amendment proposed by the general assembly of 1914 and ratified on N 3, 1914.

missioners of roads and revenue in any county, and may abolish the office of county treasurer in any county, or fix the compensation of county treasurer and such compensation may be fixed without regard to uniformity of such compensation in the various counties.[33]

SECTION IV.

PARAGRAPH I. The city of Atlanta shall be the capital of the State, until changed by the same authority, and in the same way, that is provided for the alteration of this Constitution.

ARTICLE XII.

THE LAWS OF GENERAL OPERATION IN FORCE IN THIS STATE.

SECTION I.

PARAGRAPH I. The laws of general operation in this State are—First, as the supreme law: The Constitution of the United States, the laws of the United States in pursuance thereof, and all treaties made under the authority of the United States.

PAR. II. Second, as next in authority thereto: this Constitution.

PAR. III. Third, in subordination to the foregoing: All laws now of force in this State, not inconsistent with this Constitution, and the ordinances of this Convention, shall remain of force until the same are modified or repealed by the General Assembly. The tax acts and appropriation acts passed by the General Assembly of 1877, and approved by the Governor of the State, and not inconsistent with the Constitution, are hereby continued in force until altered by law.

PAR. IV. Local and private acts passed for the benefit of counties, cities, towns, corporations, and private persons, not inconsistent with the supreme law, nor with this Constitution, and which have not expired nor been repealed, shall have the force of statute law, subject to judicial decision as to their validity when passed, and to any limitations imposed by their own terms.

PAR. V. All rights, privileges, and immunities which may have vested in, or accrued to, any person or persons, or corporations, in his, her, or their own right, or in any fiduciary capacity, under and in virtue of any act of the General Assembly, or any judgment, decree, or order, or other proceeding of any court of competent jurisdiction in this State, heretofore rendered, shall be held inviolate by all courts before which they may be brought in question, unless attacked for fraud.

PAR. VI. All judgments, decrees, orders, and other proceedings of the several courts of this State, heretofore made, within the limits of their several jurisdictions, are hereby ratified and affirmed, subject only to reversal by motion for a new trial, appeal, bill of review or other proceeding in conformity with the law of force when they were made.

PAR. VII. The officers of the government now existing shall continue in the exercise of their several functions until their successors are duly elected or appointed, and qualified, but nothing herein is to apply to any officer whose office may be abolished by this Constitution.

PAR. VIII. The ordinances of this Convention shall have the force of laws until otherwise provided by the General Assembly, except the ordinances in reference to submitting the homestead and Capital question to a vote of the people, which ordinances, after being voted on, shall have the effect of constitutional provisions.

ARTICLE XIII.

AMENDMENTS TO THE CONSTITUTION.

SECTION I.

PARAGRAPH I. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall

[33]Amendment proposed by the general assembly of 1914 and ratified on Nov. 3, 1914

be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon. And the General Assembly shall cause such amendment or amendments to be published in one or more newspapers in each Congressional district, for two months previous to the time of holding the next general election, and shall also provide for a submission of such proposed amendment or amendments to the people at said next general election; and if the people shall ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of this Constitution. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately.

PAR. II. No convention of the people shall be called by the General Assembly to revise, amend, or change this Constitution, unless by the concurrence of two-thirds of all the members of each house of the General Assembly. The representation in said convention shall be based on population as near as practicable.

SECTION II.

PARAGRAPH I. The Constitution shall be submitted for ratification or rejection to the electors of the State, at an election to be held on the first Wednesday in December, one thousand eight hundred and seventy-seven, in the several election districts of this State, at which election every person shall be entitled to vote who is entitled to vote for the members of the General Assembly under the constitution and laws of force at the date of such election; said election to be held and conducted as is now provided by law for holding elections for members of the General Assembly. All persons voting at said election in favor of adopting the Constitution shall write or have printed on their ballots the words "*For Ratification*", and all persons opposed to the adoption of this Constitution shall write or have printed on their ballots the words "*Against Ratification*".

PAR. II. The votes cast at said election shall be consolidated in each of the counties of the State as is now required by law in elections for members of the General Assembly, and returns thereof made to the Governor; and should a majority of all the votes cast at said election be in favor of ratification, he shall declare the said Constitution adopted, and make proclamation of the result of said selection by publication in one or more newspapers in each Congressional district of the State; but should a majority of the votes cast be against ratification, he shall in the same manner proclaim the said Constitution rejected.

ORDINANCES.

STATE CAPITAL.

Be it ordained by the people of Georgia in Convention assembled:

1. That the question of the location of the capital of this State be kept out of the Constitution to be adopted by this Convention.

2. That at the first general election hereafter held for members of the General Assembly, every voter may indorse on his ballot "Atlanta" or "Milledgeville," and the one of these places receiving the largest number of votes shall be the capital of the State until changed by the same authority and in the same way that may be provided for the alteration of the Constitution that may be adopted by the Convention, whether said Constitution be ratified or rejected. And that every person entitled to vote for members of the General Assembly, under the present Constitution and laws of this State, shall be entitled to vote under this ordinance; and, in the event of the rejection of said constitution, shall (should) a majority of votes cast be in favor of Milledgeville, then this provision to operate and take effect as an amendment to the present Constitution.

HOMESTEAD.

Be it ordained by the people of Georgia in Convention assembled, and it is hereby ordained by authority of the same:

1. That the article adopted by the Convention on the subject of homestead and exemption shall not form a part of this Constitution except as hereinafter provided.

2. At the election held for the ratification or rejection of this Constitution, it shall be lawful for each voter to have written or printed on his ballot the words "Homestead of 1877," or the words "Homestead of 1868."

3. In the event that a majority of the ballots so cast have indorsed upon them the words "Homestead of 1877," then said article, so adopted by this Convention, shall form a part of the Constitution, submitted, if the same is ratified; but in event that said Constitution, so submitted, shall not be ratified, then the article on homestead and exemptions, so adopted as aforesaid by this Convention, shall supersede Article Seven of the Constitution of 1868 on the subject of homestead and exemptions, and form a part of this Constitution.

4. If a majority of the ballots so cast as aforesaid shall have indorsed upon them the words "Homestead of 1868", then Article Seventh of the Constitution of 1868 shall supersede the article on homestead and exemptions adopted by this Convention, and shall be incorporated in and form (a part) of the Constitution so submitted and ratified.

JUDICIAL CIRCUITS.

There shall be sixteen judicial circuits in this State, and it shall be the duty of the General Assembly to organize and proportion the same in such manner as to equalize the business and labor of the judges in said several circuits, as far as may be practicable. But the General Assembly shall have power hereafter to reorganize, increase, or diminish the number of circuits: Provided, however, that the circuits shall remain as now organized until changed by law.

SIGNING AND RATIFICATION.

Be it ordained by the people of Georgia in Convention assembled:

1. That the Constitution as adopted and revised be enrolled and signed by the officers and members of this Convention.

2. That the Governor shall issue his proclamation, ordering an election for members of the General Assembly, and a vote upon the ratification or rejection of this Constitution, as therein provided, and a vote upon the capital and homestead questions, as provided by the ordinances of this Convention.

Read and adopted in Convention, August 25th, 1877.

C. J. JENKINS,
President Constitutional Convention.

JAMES COOPER NISBET, *Secretary.*

VOID BONDS NOT TO BE PAID.

Neither the General Assembly nor any other authority or officer of this State shall ever have power to pay or recognize as legal, or in any sense valid or binding upon the State, any direct bonds, or currency bonds, gold bonds, or the State's alleged guaranty or indorsement of any railroad bonds, or any other bonds, guaranties, or indorsements heretofore declared to be illegal, fraudulent, or void by act or resolution of the legislature of this State, or that may be declared illegal, fraudulent, or void by act or resolution of the legislature originating this amendment, viz: The State gold bonds issued under the Act of October 17th, 1870, in aid of the Brunswick and Albany Railroad Company; the currency bonds issued under the Act of August 27th, 1870; the quarterly gold bonds issued under the Act of September 15th, 1870, which are enumerated in the Act of August 23d, 1872; the indorsement of the State upon the bonds of the Brunswick and Albany Railroad Company, made under the Act of March 18th, 1869; the indorsement of the State upon the bonds of

the Cartersville and Van Wert Railroad Company, and of the Cherokee Railroad Company; the indorsement of the State upon the bonds of the Bainbridge, Cuthbert, and Columbus Railroad Company; and all other bonds, guaranties, or indorsements declared illegal, fraudulent, or void as herein provided. Nor shall any General Assembly ever have power to provide for the reindorsement of such railroad bonds, or to place the State's guaranty upon the same; or to provide for the indorsement or guaranty by the State of any new bonds issued in lieu of, or to pay off or retire, such railroad bonds, by any railroad company; or to issue bonds of the State to such railroad companies, or other persons in payment, or in lieu of such indorsed bonds, or other bonds herein declared illegal; or to lend the aid or credit of the State, by any act, resolution, or law to such railroad companies, or to other incorporated companies or persons acquiring or succeeding to the rights and franchises of said companies; or to buy the railroads of such companies; or to submit the question of the liability of the State upon any of the bonds or indorsements upon bonds, or other guaranty herein declared illegal, fraudulent, and void, or upon any claim for money advanced upon said bonds, indorsements, or guaranties, or expended by said companies or other person in and about the construction of said railroads, to the decision of any court, tribunal, or person whatever; or to pay, assume, or secure, directly or indirectly, by any act, resolution, or law, any money advanced or claimed to have been advanced on the bonds, indorsements, or guaranties herein declared invalid. . . . . .

CONSTITUTION OF IDAHO—1890.*

PREAMBLE.

We, the people of the state of Idaho, grateful to Almighty God for our eedom, to secure its blessings and promote our common welfare, do establish is constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and equal, and have certain inalienle rights, among which are enjoying and defending life and liberty; acquirg, possessing and protecting property; pursuing happiness and securing fety.

SEC. 2. All political power is inherent in the people. Government is stituted for their equal protection and benefit, and they have the right to er, reform or abolish the same, whenever they may deem it necessary; d no special privileges or immunities shall ever be granted, that may not altered, revoked or repealed, by the legislature.

SEC. 3. The state of Idaho is an inseparable part of the American Union. d the Constitution of the United States is the supreme law of the land.

SEC. 4. The exercise and enjoyment of religious faith and worship shall ever be guaranteed; and no person shall be denied any civil or political ht, privilege or capacity, on account of his religious opinions; but the erty of conscience hereby secured shall not be construed to dispense with ths or affirmations, or excuse acts of licentiousness or justify polygamous other pernicious practices, inconsistent with morality or the peace or safety the state; nor to permit any person, organization or association to directly indirectly aid or abet, counsel or advise any person to commit the crime bigamy or polygamy, or any other crime. No person shall be required attend or support any ministry or place of worship, religious sect or nomination or pay tithes, against his consent; nor shall any preference given by law to any religious denomination or mode of worship. Bigamy d polygamy are forever prohibited in the state, and the legislature shall ovide by law for the punishment of such crimes.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, less in case of rebellion or invasion, the public safety requires it, and en only in such manner as shall be prescribed by law.

SEC. 6. All persons shall be bailable by sufficient sureties, except for pital offenses, where the proof is evident or the presumption great. Excese bail shall not be required, nor excessive fines imposed, nor cruel and usual punishments inflicted.

SEC. 7. The right of trial by jury shall remain inviolate; but in civil ions, three-fourths of the jury may render a verdict, and the legislature y provide that in all cases of misdemeanors five-sixths of the jury may der a verdict. A trial by jury may be waived in all criminal cases not ounting to felony, by the consent of both parties, expressed in open court; l in civil actions by the consent of the parties, signified in such manner as y be prescribed by law. In civil actions and cases of misdemeanor the y may consist of twelve or of any number less than twelve, upon which parties may agree in open court.

*The constitution of Idaho was framed by a convention which met at Boise City July 4 and adjourned on August 6, 1889. The constitution was submitted to the ers for ratification on November 5, 1889, and was adopted by a vote of 12,398 to 33. The constitution was submitted as a whole and no proposition was submitted arately. The proclamation of the President admitting Idaho to the Union was ed on July 3, 1890, and by its own provision the constitution became effective same day.

SEC. 8. No person shall be held to answer for any felony or criminal offense of any grade, unless on presentment or indictment of a grand jury; or on information of the public prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger: Provided, That a grand jury may be summoned upon the order of the district court in the manner provided by law, and Provided further, that after a charge has been ignored by a grand jury, no person shall be held to answer, or for trial therefor, upon information of the public prosecutor.

SEC. 9. Every person may freely speak, write and publish, on all subjects, being responsible for the abuse of that liberty.

SEC. 10. The people shall have the right to assemble in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the Legislature for the redress of grievances.

SEC. 11. The people have the right to bear arms for their security and defense; but the legislature shall regulate the exercise of this right by law.

SEC. 12. The military shall be subordinate to the civil power, and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war, except in the manner prescribed by law.

SEC. 13. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

SEC. 14. The necessary use of lands for the construction of reservoir, or storage basins, for the purpose of irrigation, or for rights-of-way for the construction of canals, ditches, flumes or pipes, to convey water to the place of use for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the state, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the state.

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

SEC. 15. There shall be no imprisonment for debt in this state, except in cases of fraud.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

SEC. 17. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause shown, by affidavit, particularly describing the place to be searched and the person or thing to be seized.

SEC. 18. Courts of justice shall be open to every person and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay or prejudice.

SEC. 19. No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

SEC. 20. No property qualification shall ever be required for any person to vote or hold office, except in school elections or elections creating indebtedness.

SEC. 21. This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

ARTICLE II.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this state are divided into ıree distinct departments; the legislative, executive, and judicial, and no erson, or collection of persons, charged with the exercise of powers properly elonging to one of these departments shall exercise any powers properly elonging to either of the others, except as in this constitution expressly irected or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the state shall be vested in a senate ıd house of representatives. The enacting clause of every bill shall be as llows: "Be it enacted by the Legislature of the State of Idaho."

The people reserve to themselves the power to approve or reject at the olls any act or measure passed by the Legislature. The power is known as e Referendum, and legal voters may, under such conditions and in such anner as may be provided by Acts of the Legislature, demand a referendum te on any act or measure passed by the Legislature and cause the same to submitted to a vote of the people for their approval or rejection.

The people reserve to themselves the power to propose laws and enact e same at the polls independent of the Legislature. The power is known the Initiative, and legal voters may under such conditions and in such anner as may be provided by Acts of the Legislature, initiate any desired gislation and cause the same to be submitted to the vote of the people at a neral election for their approval or rejection provided that legislation thus bmitted shall require the approval of a number of voters equal to a ma-rity of the aggregate vote cast for the office of Governor at such general ection to be adopted.[1]

SEC. 2. The senate shall consist of one member from each county of the ate now created or hereafter to be created and the house of representatives all consist of not to exceed three times the number of senators. The sena-rs shall be chosen by the electors of the respective counties and the represent-ives shall be chosen by the electors of the respective counties or districts to which the state may from time to time be divided by law.[2]

SEC. 3. The senators and representatives shall be elected for the term of o years, from and after the first day of December next following the gen-al election.

SEC. 4. The members of the first legislature shall be apportioned to the veral legislative districts of the state in proportion to the number of votes lled at the last general election for delegate to congress, and thereafter to apportioned as may be provided by law; Provided, Each county shal lbe titled to one representative.

SEC. 5. A senatorial or representative district, when more than one county all constitute the same, shall be composed of contiguous counties, and no unty shall be divided in creating such districts.

SEC. 6. No person shall be a senator or representative who, at the time his election, is not a citizen of the United States, and an elector of this ate, nor anyone who has not been for one year next preceding his election elector of the county or district whence he may be chosen.

SEC. 7. Senators and representatives in all cases, except for treason, ony, or breach of the peace, shall be privileged from arrest during the ses-n of the legislature, and in going to and returning from the same, and all not be liable to any civil process during the session of the legislature, r during the ten days next before the commencement thereof; nor shall a

[1]Amendment proposed by the legislature of 1911; ratified on November 5, 1912; ective November 25, 1912.

[2]Amendment proposed by the legislature of 1911; ratified on November 5, 1912; ective November 25, 1912.

member, for words uttered in debate in either house, be questioned in any other place.

SEC. 8. The sessions of the legislature shall, after the first session thereof, be held biennially at the capital of the state, commencing on the first Monday after the first day of January and every second year thereafter, unless a different day shall have been appointed by law, and at other times when convened by the governor.

SEC. 9. Each house when assembled, shall choose its own officers; judge of the election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 10. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as such house may provide.

A quorum being in attendance, if either house fail to effect an organization within the first four days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said four days until an organization shall have been effected.

SEC. 11. Each house may, for good cause shown, with the concurrence of two-thirds of all the members, expel a member.

SEC. 12. The business of each house, and of the committee of the whole shall be transacted openly and not in secret session.

SEC. 13. Each house shall keep a journal of its proceedings; and the yeas and nays of the members of either house on any question shall at the request of any three members present, be entered on the journal.

SEC. 14. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the house of representatives.

SEC. 15. No law shall be passed except by bill, nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same shall have read on three several days, in each house, previous to the final vote thereon.

Provided, In case of urgency, two-thirds of the house where such bill may be pending, may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills, they shall be read at length, section by section, and the vote shall be by yeas and nays upon each bill separately and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

SEC. 16. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title such act shall be void only as to so much thereof as shall not be embraced in the title.

SEC. 17. Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

SEC. 18. No act shall be revised or amended by mere reference to its title but the section as amended, shall be set forth and published at full length.

SEC. 19. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and constables.

For the punishment of crimes and misdemeanors.

Regulating the practice of the courts of justice.

Providing for a change of venue in civil or criminal actions.

Granting divorces.

Changing the names of persons or places.

Authorizing the laying out, opening, altering, maintaining, working or

vacating, roads, highways, streets, alleys, town plats, parks, cemeteries, any public grounds not owned by the state.

Summoning and impanneling grand and trial juries, and providing for r compensation.

Regulating county and township business, or the election of county and nship officers.

For the assessment and collection of taxes.

Providing for and conducting elections, or designating the place of voting.

Affecting the estates of deceased persons, minors or other persons under l disabilities.

Extending the time for collection of taxes.

Giving effect to invalid deeds, leases or other instruments.

Refunding money paid into the state treasury.

Releasing or extinguishing, in whole or in part, the indebtedness, lia- y or obligation of any person or corporation in this state, or any municipal oration therein.

Declaring any person of age, or authorizing any minor to sell, lease or mber his or her property.

Legalizing, as against the state, the unauthorized or invalid act of any er.

Exempting property from taxation.

Changing county seats, unless the law authorizing the change, shall re- e that two-thirds of the legal votes cast at a general or special election, l designate the place to which the county seat shall be changed; *Provided*, t the power to pass a special law shall cease, as long as the legislature l provide for such change by general law; *Provided further*, That no ial law shall be passed for any one county oftener than once in six s.

Restoring to citizenship persons convicted of infamous crimes.

Regulating the interest on money.

Authorizing the creation, extension or impairing of liens.

Chartering or licensing ferries, bridges or roads.

Remitting fines, penalties or forfeitures.

Providing for the management of common schools.

Creating offices, or prescribing the powers and duties of officers in counties, s, townships, election districts or school districts, except as in this con- ution otherwise provided.

Changing the law of descent or succession.

Authorizing the adoption or legitimization of children.

For limitation of civil or criminal actions.

Creating any corporation.

Creating, increasing or decreasing fees, percentages or allowances of public ers during the term for which said officers are elected or appointed.

SEC. 20. The legislature shall not authorize any lottery or gift enter- e, under any pretense or for any purpose whatever.

SEC. 21. All bills or joint resolutions passed shall be signed by the pre- ng officers of the respective houses.

SEC. 22. No act shall take effect until sixty days from the end of the ion at which the same shall have been passed, except in case of emer- y, which emergency shall be declared in the preamble or in the body he law.

SEC. 23. Each member of the legislature shall receive for his services, a not exceeding five dollars per day, from the commencement of the ses- ; but such pay shall not exceed for each member, except the presiding ers, in the aggregate, three hundred dollars for per diem allowances for one session; and shall receive each the sum of ten cents per mile each by the usual traveled route.

When convened in extra session by the governor, they shall each receive dollars per day; but no extra session shall continue for a longer period

than twenty days, except in case of the first session of the legislature. Th shall receive such mileage as is allowed for regular sessions.

The presiding officers of the legislature shall each, in virtue of his offi receive an additional compensation equal to one-half his per diem allowan as a member; *Provided*, That whenever any member of the legislature sh travel on a free pass in coming to or returning from a session of the legis ture, the number of miles actually traveled on such pass shall be deduct from the mileage of such member.

SEC. 24. The first concern of all good government is the virtue and sobri of the people, and the purity of the home. The legislature should furth all wise and well-directed efforts for the promotion of temperance and morali

SEC. 25. The members of the legislature shall, before they enter up the duties of their respective offices, take or subscribe the following oath affirmation: "I do solemnly swear, (or affirm, as the case may be) that will support the constitution of the United States and the constitution of t state of Idaho, and that I will faithfully discharge the duties of sena (or representative, as the case may be) according to the best of my abilit And such oath may be administered by the governor, secretary of state, judge of the supreme court, or presiding officer of either house.

SEC. 26. From and after the first day of May in the year 1917, the ma facture, sale, keeping for sale, and transportation for sale of intoxicati liquors for beverage purposes are forever prohibited. The legislature sh enforce this section by all needful legislation.[3]

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, li tenant-governor, secretary of state, state auditor, state treasurer, attorn general, and superintendent of public instruction, each of whom shall h his office for two years, beginning on the first Monday in January next af his election, except as otherwise provided in this constitution. The offic of the executive department, excepting the lieutenant-governor, shall, dur their terms of office, reside at the seat of government, where they shall k the public records, books and papers. They shall perform such duties as prescribed by this constitution and as may be prescribed by law.

SEC. 2. The officers named in section one of this article shall be elec by the qualified electors of the state at the time and place of voting for me bers of the legislature, and the persons, respectively, having the highest nu ber of votes for the office voted for shall be elected; but if two or m shall have an equal and the highest number of votes for any one of s offices, the two houses of the legislature at its next regular session, sh forthwith, by joint ballot, elect one of such persons for said office. T returns of election for the officers named in section one shall be made in s manner as may be prescribed by law, and all contested elections of the sa other than provided for in this section, shall be determined as may be p scribed by law.

SEC. 3. No person shall be eligible to the office of governor or lieutena governor, unless he shall have attained the age of thirty years at the time his election; nor to the office of secretary of state, state auditor, superinte ent of public instruction, or state treasurer, unless he shall have attai the age of twenty-five years; nor to the office of attorney general unless shall have attained the age of thirty years, and have been admitted to prac in the supreme court of the state or territory of Idaho, and be in good sta ing at the time of his election. In addition to the qualifications above scribed, each of the officers named shall be a citizen of the United States shall have resided within the state or territory two years next preceding election.

[3]Section 26 is a new section; it was proposed by the legislature of 1915 ratified on November 7, 1916.

SEC. 4. The governor shall be commander-in-chief of the military forces
he state, except when they shall be called into actual service of the
ed States. He shall have power to call out the militia to execute the
s, to suppress insurrection, or to repel invasion.

SEC. 5. The supreme executive power of the state is vested in the gov-
r, who shall see that the laws are faithfully executed.

SEC. 6. The governor shall nominate and, by and with the consent of
senate, appoint all officers whose offices are established by this consti-
on, or which may be created by law, and whose appointment or election
ot otherwise provided for. If during the recess of the senate, a vacancy
rs in any state or district office, the governor shall appoint some fit person
ischarge the duties thereof until the next meeting of the senate, when he
l nominate some person to fill such office. If the office of a justice of the
eme or district court, secretary of state, state auditor, state treasurer,
rney general, or superintendent of public instruction, shall be vacated by
h, resignation or otherwise, it shall be the duty of the governor to fill the
by appointment, and the appointee shall hold his office until his successor
be elected and qualified in such manner as may be provided by law.

SEC. 7. The governor, secretary of state, and attorney general shall con-
te a board to be known as the board of pardons. Said board or a ma-
y thereof, shall have power to remit fines and forfeitures, and to grant
mutations and pardons after conviction and judgment, either absolutely or
such conditions as they may impose in all cases of offenses against the
except treason or conviction on impeachment. The legislature shall by
prescribe the sessions of said board and the manner in which application
be made, and regulate proceedings thereon; but no fine or forfeiture
be remitted, and no commutation or pardon granted, except by the deci-
of a majority of said board, after a full hearing in open session, and
previous notice of the time and place of such hearing and the release
ied for, shall have been given by publication in some newspaper of gen-
circulation, at least once a week for four weeks. The proceedings and
sion of the board shall be reduced to writing and with their reasons for
action in each case, and the dissent of any member who may disagree,
ed by him, and filed, with all papers used upon the hearing, in the office
ne secretary of state.

The governor shall have power to grant respites or reprieves in all cases
onvictions for offenses against the state, except treason or conviction on
achment, but such respites or reprieves shall not extend beyond the next
on of the board of pardons; and such board shall at such session con-
or determine such respite or reprieve, or they may commute or pardon
offense, as herein provided. In cases of conviction for treason, the gov-
r shall have the power to suspend the execution of the sentence until
case shall be reported to the legislature at its next regular session, when
legislature shall either pardon or commute the sentence, direct its execu-
or grant a further reprieve. He shall communicate to the legislature, at
regular session, each case of remission of fine or forfeiture, reprieve,
mutation, or pardon granted since the last previous report, stating the
e of the convict, the crime of which he was convicted, the sentence and
ate, and the date of remission, commutation, pardon, or reprieve, with the
ons for granting the same, and the objections, if any, of any member of
board made thereto.

SEC. 8. The governor may require information in writing from the officers
he executive department upon any subject relating to the duties of their
pective offices, which information shall be given upon oath whenever so
ired; he may also require information in writing, at any time under oath,
all officers and managers of state institutions, upon any subject relating
he condition, management and expenses of their respective offices and insti-
ons, and may, at any time he deems it necessary, appoint a committee to
stigate and report to him upon the condition of any executive office or state
tution. The governor shall, at the commencement of each session, and

from time to time, by massage, give to the legislature information of th condition of the state, and shall recommend such measures as he shall dee expedient. He shall also send to the legislature a statement, with voucher of the expenditures of all moneys belonging to the state and paid out b him. He shall also, at the commencement of each session, present estimat of the amount of money required to be raised by taxation for all purposes the state.

SEC. 9. The governor may, on extraordinary occasions, convene the legi lature by proclamation, stating the purposes for which he has convened i but when so convened, it shall have no power to legislate on any subjec other than those specified in the proclamation; but may provide for th expenses of the session and other matters incidental thereto. He may als by proclamation, convene the senate in extraordinary session for the tran action of executive business.

SEC. 10. Every bill passed by the legislature, shall, before it becomes law, be presented to the governor. If he approve, he shall sign it, and ther upon it shall become a law; but if he do not approve, he shall return it wit his objections, to the house in which it originated, which house shall enter th objections at large upon its journals and proceed to reconsider the bill. then two-thirds of the members present agree to pass the same, it shall b sent, together with the objections, to the other house, by which it shall lik wise be reconsidered; and if approved by two-thirds of the members prese in that house, it shall become a law notwithstanding the objections of th governor. In all such cases the vote of each house shall be determined b yeas and nays, to be entered on the journal.

Any bill which shall not be returned by the governor to the legislatu within five days (Sundays excepted) after it shall have been presented him, shall become a law in like manner as if he had signed it, unless th legislature shall, by adjournment, prevent its return, in which case it sha be filed, with his objections, in the office of the secretary of state within te days after such adjournment (Sundays excepted) or become a law.

SEC. 11. The governor shall have power to disapprove of any item items of any bill making appropriations of money, embracing distinct item and the part or parts approved shall become a law; and the item or iten disapproved shall be void, unless enacted in the manner following: If th legislature be in session, he shall within five days, transmit to the house wit in which the bill originated, a copy of the item or items thereof disapprove together with his objections thereto, and the items objected to shall b separately reconsidered, and each item shall then take the same course as prescribed for the passage of bills over the executive veto.

SEC. 12. In case of the failure to qualify, the impeachment, or convictio of treason, felony, or other infamous crime, of the governor, or his deat removal from office, resignation, absence from the state, or inability to d charge the powers and duties of his office, the powers, duties and emolumen of the office for the residue of the term, or until the disability shall cea shall devolve upon the lieutenant-governor.

SEC. 13. The lieutenant-governor shall be president of the senate, b shall vote only when the senate is equally divided. In case of the absen or disqualification of the lieutenant-governor from any cause which appl to the governor, or when he shall hold the office of governor, then the pre dent pro tempore of the senate shall perform the duties of the lieutena governor until the vacancy is filled or the disability removed.

SEC. 14. In case of the failure to qualify in his office, death, resignatio absence from the state, impeachment, conviction of treason, felony or oth infamous crime, or disqualification from any cause, of both governor a lieutenant-governor, the duties of the governor shall devolve upon the pre dent of the senate pro tempore, until such disqualification of either the g ernor or lieutenant-governor be removed, or the vacancy filled; and if t president of the senate, for any of the above-named causes, shall beco

capable of performing the duties of governor, the same shall devolve upon
ie speaker of the house.

SEC. 15. There shall be a seal of this state, which shall be kept by the
ecretary of state, and used by him officially, and shall be called, "The great
al of the state of Idaho." The seal of the territory of Idaho as now used
all be the seal of the state until otherwise provided by law.

SEC. 16. All grants and permissions shall be in the name and by the
uthority of the state of Idaho, sealed with the great seal of the state, signed
the governor, and countersigned by the secretary of state.

SEC. 17. An account shall be kept by the officers of the executive depart-
ent and of all public institutions of the state of all moneys received by them
verally, from all sources, and for every service performed, and of all moneys
sbursed by them severally, and a semi-annual report thereof shall be made
the governor, under oath; they shall also, at least twenty days preceding
ch regular session of the legislature, make full and complete reports of their
ficial transactions, to the governor, who shall transmit the same to the
gislature.

SEC. 18. The governor, secretary of state, and attorney general shall con-
itute a board of state prison commissioners, which board shall have such
pervision of all matters connected with the state prison as may be pre-
ribed by law. They shall also constitute a board of examiners, with power
examine all claims against the state, except salaries or compensation of
ficers fixed by law, and perform such other duties as may be prescribed by
w. And no claim against the state, except salaries and compensation of
ficers fixed by law, shall be passed upon by the legislature without first
aving been considered and acted upon by said board.

SEC. 19. The governor, secretary of state, state auditor, state treasurer,
torney general and superintendent of public instruction, shall, quarterly as
ie, during their continuance in office, receive for their services compensa-
on, which, for the term next ensuing after the adoption of this constitution,
fixed as follows: Governor, three thousand dollars per annum; secretary
state, one thousand eight hundred dollars per annum; state auditor, one
ousand eight hundred dollars per annum; state treasurer, one thousand
ollars per annum; attorney general, two thousand dollars per annum; and
perintendent of public instruction, one thousand five hundred dollars per
nnum. The lieutenant-governor shall receive the same per diem as may be
ovided by law for the speaker of the house of representatives, to be allowed
ly during the sessions of the legislature. The compensations enumerated
all be in full for all services by said officers respectively, rendered in any
ficial capacity or employment whatever during their respective terms of office.

No officer named in this section shall receive, for the performance of any
fficial duty, any fee for his own use; but all fees fixed by law for the per-
ormance by either of them, of any official duty, shall be collected in advance,
nd deposited with the state treasurer quarterly to the credit of the state.
he legislature may by law, diminish or increase the compensation of any or
ll of the officers named in this section, but no such diminution or increase
hall affect the salaries of the officers then in office during their term; Provided,
owever, The legislature may provide for the payment of actual and necesasry
xpenses to the governor, lieutenant-governor, secretary of state, attorney
eneral, and superintendent of public instruction, while traveling within the
tate in the performance of official duty.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity,
nd the forms of all such actions, and suits, are hereby prohibited; and there
hall be in this state but one form of action for the enforcement or protec-
on of private rights, or the redress of private wrongs; which shall be denomi-
ated a civil action; and every action prosecuted by the people of the state

as a party, against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action.

Feigned issues are prohibited, and the fact at issue shall be tried by order of court before a jury.

SEC. 2. The judicial power of the state shall be vested in a court for the trial of impeachments, a supreme court, district courts, probate courts, courts of justices of the peace, and such other courts, inferior to the supreme court, as may be established by law, for any incorporated city or town.

SEC. 3. The court for the trial of impeachments shall be the senate. A majority of the members elected shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this state; but the party shall be liable to indictment and punishment according to law.

SEC. 4. The house of representatives solely, shall have the power of impeachment. No person shall be convicted without the concurrence of two-thirds of the senators elected. When the governor is impeached, the chief justice shall preside.

SEC. 5. Treason against the state shall consist only, in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder, shall work corruption of blood or forfeiture of estate.

SEC. 6. The supreme court shall consist of three justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. If a justice of the supreme court shall be disqualified from sitting in a cause before said court, or be unable to sit therein, by reason of illness or absence, the said court may call a district judge to sit in said court on the hearing of such cause. The justices of the supreme court shall be elected by the electors of the state at large. The terms of office of the justices of the supreme court, except as in this article otherwise provided, shall be six years. The justices of the supreme court shall, immediately after the first election under this constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the justices of the supreme court, who shall, for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to by the secretary of state and filed in his office. The justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be chief justice, and shall preside at all terms of the supreme court, and in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead.[4]

SEC. 7. No justice of the supreme court shall be eligible to any other office of trust or profit, under the laws of this state during the term for which he was elected.

SEC. 8. At least four terms of the supreme court shall be held annually; two terms at the seat of state government, and two terms at the city of Lewiston, in Nez Perce county. In case of epidemic, pestilence, or destruction of court houses, the justices may hold the terms of the supreme court provided by this section, at other convenient places, to be fixed by a majority of said justices. After six years, the legislature may alter the provisions of this section.

SEC. 9. The supreme court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges thereof. The supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus; and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

SEC. 10. The supreme court shall have original jurisdiction to hear claims against the state, but its decision shall be merely recommendatory;

[4]Amendment proposed by the legislature of 1909; ratified on November 8, 1910; effective November 28, 1910.

process in the nature of execution shall issue thereon; they shall be re-
rted to the next session of the legislature for its action.

SEC. 11. The state shall be divided into five judicial districts, for each which a judge shall be chosen by the qualified electors thereof, whose m of office shall be four years. And there shall be held a district court, each county, at least twice in each year, to continue for such time in h county, as may be prescribed by law.

But the legislature may reduce or increase the number of districts, dis-ct judges and district attorneys. This section shall not be construed to vent the holding of special terms under such regulations as may be pro-led by law.

SEC. 12. Every judge of the district court shall reside in the district which he is elected. A judge of any district court may hold a district rt in any county at the request of the judge of the district court thereof, d, upon the request of the governor, it shall be his duty to do so; but a se in the district court may be tried by a judge pro tempore, who must a member of the bar, agreed upon in writing by the parties litigant, or ir attorneys of record, and sworn to try the cause.

SEC. 13. The legislature shall have no power to deprive the judicial de-rtment of any power or jurisdiction which rightfully pertains to it as a ordinate department of the government; but the legislature shall provide proper system of appeals, and regulate by law, when necessary, the methods proceeding in the exercise of their powers of all the courts below the preme court, so far as the same may be done without conflict with this nstitution.

SEC. 14. The legislature may provide for the establishment of special rts, for the trial of misdemeanors, in incorporated cities and towns, where e same may be necessary.

SEC. 15. The clerk of the supreme court shall be appointed by the court, d shall hold his office during the pleasure of the court. He shall receive h compensation for his services as may be provided by law.

SEC. 16. A clerk of the district court for each county shall be elected the qualified voters thereof, at the time and in the manner prescribed by w for the election of members of the legislature, and shall hold his office r the term of four years.

SEC. 17. The salary of the justices of the supreme court, until otherwise ovided by the legislature, shall be three thousand dollars each per annum, d the salary of the judges of the district court until otherwise provided the legislature shall be three thousand dollars each per annum, and no stice of the supreme court, or judge of the district court, shall be paid his ary, or any part thereof, unless he shall have first taken and subscribed oath that there is not in his hands any matter in controversy not decided him which has been finally submitted for his consideration and determi-tion, thirty days prior to the taking and subscribing such oath.

SEC. 18. A prosecuting attorney shall be elected for each organized county the state, by the qualified electors of such county, and shall hold office for e term of two years, and shall perform such duties as may be prescribed law; he shall be a practicing attorney at law, and a resident and elector the county for which he is elected. He shall receive as compensation for services a sum not less than five hundred dollars per annum nor more an fifteen hundred dollars per annum, to be fixed by the board of commis-ners of the county at its regular session in July next preceding any gen-al election, and to be paid in quarterly installments out of the county asury.[5]

SEC. 19. All vacancies occurring in the offices provided for by this article the constitution shall be filled as provided by law.

SEC. 20. The district court shall have original jurisdiction in all cases,

[5]Amendment proposed by the legislature of 1895; ratified on November 3, 1896; ective November 27, 1896.

both at law and in equity, and such appellate jurisdiction as may be conferred by law.

SEC. 21. The probate courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and appointment of guardians; also, jurisdiction to hear and determine all civil cases wherein the debt or damage claimed does not exceed the sum of five hundred dollars, exclusive of interest, and concurrent jurisdiction with justices of the peace in criminal cases.

SEC. 22. In each county of this state there shall be elected justices of the peace as prescribed by law. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars exclusive of interest, nor where the boundaries or title to any real property shall be called in question.

SEC. 23. No person shall be eligible to the office of a district judge unless he be learned in the law, thirty years of age, and a citizen of the United States, and shall have resided in the state or territory at least two years next preceding his election, nor unless he shall have been at the time of his election, an elector in the judicial district for which he is elected.

SEC. 24. Until otherwise provided by law, the judicial districts shall be five in number, and constituted of the following counties, viz: First district, Shoshone and Kootenai. Second district, Latah, Nez Perce, and Idaho. Third district, Washington, Ada, Boise, and Owyhee. Fourth district, Cassia, Elmore, Logan, and Alturas. Fifth district, Bear Lake, Bingham, Oneida, Lemhi and Custer.

SEC. 25. The judges of the district courts shall, on or before the first day of July in each year, report in writing to the justices of the supreme court such defects or omissions in the laws as their knowledge and experience may suggest, and the justices of the supreme court shall, on or before the first day of December of each year, report in writing to the governor, to be by him transmitted to the legislature, together with his message, such defects and omissions in the constitution and laws as they may find to exist.

SEC. 26. All laws relating to courts shall be general and of uniform operation throughout the state, and the organized judicial powers, proceedings and practices of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts, severally, shall be uniform.

SEC. 27. The legislature may by law diminish or increase the compensation of any or all of the following officers, to-wit: Governor, lieutenant-governor, secretary of state, state auditor, state treasurer, attorney general, superintendent of public instruction, commissioner of immigration and labor, justices of the supreme court and judges of the district courts and district attorneys; but no diminution or increase shall affect the compensation of the officer then in office during his term. Provided, however, That the legislature may provide for the payment of actual and necessary expenses of the governor, secretary of state, attorney general and superintendent of public instruction incurred while in performance of official duty.

ARTICLE VI.

SUFFRAGE AND ELECTIONS.

SECTION 1. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the legislature to enact such laws as shall carry this section into effect.

SEC. 2. Except as in this article otherwise provided, every male or female citizen of the United States, twenty-one years old, who has actually resided in this state or territory for six months, and in the county, where he or she offers to vote, thirty days next preceding the day of election, if registered as provided by law, is a qualified elector; and until otherwise provided by the legislature, women who have the qualifications prescribed in

his article may continue to hold such school offices and vote at such school elections as provided by the laws of Idaho Territory.[6]

SEC. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell his vote, or purchasing, or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who at the time of such election is confined in prison on conviction of a criminal offense, or who is a bigamist or polygamist, or is living in what is known as patriarchial, plural or celestial marriage, or in violation of any law of this state, or of the United States, forbidding any such crime; or who in any manner teaches, advises, counsels, aids or encourages any person to enter into bigamy, polygamy, or such patriarchial, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of, or contributes to the support, aid, or encouragement of, any order, organization, association, corporation, or society which teaches, advises, counsels, encourages or aids any person to enter into bigamy, polygamy or such patriarchial or plural marriages, or which teaches or advises that the laws of this state prescribing rules of civil conduct, are not the supreme law of the state; nor shall Chinese or persons of Mongolian descent not born in the United States, nor Indians not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

SEC. 4. The legislature may prescribe qualifications, limitations and conditions for the right of suffrage, additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

SEC. 5. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this state, or of the United States, nor while engaged in the navigation of the waters of this state or of the United States, nor while a student of any institution of learning, nor while kept at any alms house or other asylum at the public expense.

SEC. 6. Every public officer in the State of Idaho, excepting the judicial officers, is subject to recall by the legal voters of the state or of the electoral district from which he is elected. The legislature shall pass the necessary laws to carry this provision into effect.[7]

ARTICLE VII.

FINANCE AND REVENUE.

SECTION 1. The fiscal year shall commence on the second Monday of January in each year, unless otherwise provided by law.

SEC. 2. The legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person or corporation shall pay a tax in proportion to the value of his, her, or its property, except as in this article hereinafter otherwise provided. The legislature may also impose a license tax (both upon natural persons and upon corporations, other than municipal, doing business in this state); also a per capita tax. Provided, The legislature may exempt a limited amount of improvements upon land, from taxation.

SEC. 3. The word "property" as herein used, shall be defined and classified by law.

SEC. 4. The property of the United States, the state, counties, towns, cities, and other municipal corporations and public libraries, shall be exempt from taxation.

SEC. 5. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and shall be levied and

[6]Amendment proposed by the legislature of 1895; ratified on November 3, 1896; effective November 27, 1896.

[7]Section 6 is a new section; it was proposed by the legislature of 1911; ratified on November 5, 1912; effective November 25, 1912.

collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal, Provided, That the legislature may allow such exemption from taxation from time to time as shall seem necessary and just, and all existing exemptions provided by the laws of the territory, shall continue until changed by the legislature of the state. Provided further, That duplicate taxation of property for the same purpose during the same year, is hereby prohibited.

SEC. 6. The legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may by law invest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation.

SEC. 7. All taxes levied for state purposes shall be paid into the state treasury, and no county, city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for state purposes.

SEC. 8. The power to tax corporations or corporate property, both real and personal, shall never be relinquished or suspended, and all corporations in this state or doing business therein, shall be subject to taxation for state, county, school, municipal, and other purposes, on real and personal property owned or used by them, and not by this constitution exempted from taxation within the territorial limits of the authority levying the tax.

SEC. 9. The rate of taxation of real and personal property for state purposes shall never exceed ten (10) mills on each dollar of assessed valuation, unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.[8]

SEC. 10. The making of profit, directly or indirectly, out of state, county, city, town, township or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 11. No appropriation shall be made, nor any expenditure authorized by the legislature, whereby the expenditure of the state, during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the legislature making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in section nine (9) of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures, to suppress insurrection, defend the state, or assist in defending the United States in time of war.

SEC. 12. There shall be a state board of equalization, consisting of the governor, secretary of state, attorney general, state auditor, and state treasurer, whose duties shall be prescribed by law. The board of county commissioners for the several counties of the state, shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county, under such rules and regulations as shall be prescribed by law.

SEC. 13. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

SEC. 14. No money shall be drawn from the county treasuries except upon the warrant of a duly authorized officer, in such manner and form as shall be prescribed by the legislature.

SEC. 15. The legislature shall provide by law, such a system of county finance, as shall cause the business of the several counties to be conducted on a cash basis. It shall also provide that whenever any county shall have any warrants outstanding and unpaid, for the payment of which there are no funds in the county treasury, the county commissioners, in addition to other taxes provided by law, shall levy a special tax not to exceed ten (10)

[8]Amendment proposed by the legislature of 1905; ratified on November 6, 1906; effective November 26, 1906.

mills on the dollar, of taxable property as shown by the last preceding assessment, for the creation of a special fund for the redemption of said warrants; and after the levy of such special tax, all warrants issued before such levy shall be paid exclusively out of said fund. All moneys in the county treasury at the end of each fiscal year, not needed for current expenses, shall be transferred to said redemption fund.

SEC. 16. The legislature shall pass all laws necessary to carry out the provisions of this article.

ARTICLE VIII.

PUBLIC INDEBTEDNESS AND SUBSIDIES.

SECTION 1. The legislature shall not in any manner create any debt or debts, liability, or liabilities, which shall singly or in the aggregate, exclusive of the debt of the territory at the date of its admission as a state, and exclusive of debts or liabilities incurred subsequent to January 1, 1911, for the purpose of completing the construction and furnishing of the state capitol at Boise, Idaho, and exclusive of debt or debts, liability or liabilities incurred by the eleventh session of the legislature of the state of Idaho, exceed in the aggregate the sum of two million dollars, except in case of war, to repel an invasion, or suppress an insurrection, unless the same shall be authorized by law, for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt or liability as it falls due, and also for the payment and discharge of the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged. But no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for or against it at such election, and all moneys raised by the authority of such laws shall be applied only to specified objects therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county or city, and county, if one be published therein, throughout the state for three months next preceding the election at which it is submitted to the people. The legislature may at any time after the approval of such law, by the people, if no debts shall have been contracted in pursuance thereof, repeal the same.[9]

SEC. 2. The credit of the state shall not, in any manner, be given or

[9]Section 1 has been amended twice; the first amendment was proposed by the legislature of 1909; ratified on November 8, 1910, and in force November 28, 1910. The present amendment was proposed by the legislature of 1911; ratified on November 5, 1912, and in force on November 25, 1912. The text of the amendment of 1910 is as follows: Section 1. The legislature shall in any manner create any debt or debts, liability or liabilities, which shall singly or in aggregate, exclusive of the debt of the territory at the date of its admission as a state, and exclusive of debts or liabilities incurred subsequent to January 1st, 1911, for the purpose of completing the construction and furnishing of the state capitol building at Boise, Idaho, exceed the sum of one and one-half per centum upon the assessed value of the taxable property in the state, except in case of war to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object of word [or work] to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for payment of the interest of such debt or liability as it falls due and also for the payment and discharge of the principal of such debt or liability, within twenty (20) years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by the authority of such laws, shall be applied only to specified objects therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county or city and county, if one be published therein, throughout the state for three months next preceding the election at which it is submitted to the people. The legislature may at any time after the approval of such law, by the people, if no debts shall have been contracted in the pursuance thereof, repeal the same.

In the case of Fletcher v. Gifford, 115 Pac. 824, the court held that the word "not" should be inserted after the word "shall" in the first line of the section as amended in 1910.

loaned to or in aid of, any individual, association, municipality or corporation; nor shall the state directly or indirectly, become a stockholder in any association or corporation.

SEC. 3. No county, city, town, township, board of education, or school district, or other subdivision of the state, shall incur any indebtedness, or liability, in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. Provided, That this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the state.

SEC. 4. No county, city, town, township, board of education, or school district, or other subdivision, shall lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual, association or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any individual, association or corporation in or out of this state.

ARTICLE IX.

EDUCATION AND SCHOOL LANDS.

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.

SEC. 2. The general supervision of the state educational institutions and public school system of the state of Idaho, shall be vested in a state board of education, the membership, powers and duties of which shall be prescribed by law. The state superintendent of public instruction shall be ex-officio member of said board.[10]

SEC. 3. The public school fund of the state shall forever remain inviolate and intact; the interest thereon only shall be expended in the maintenance of the schools of the state, and shall be distributed among the several counties and school districts of the state in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The state treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The state shall supply all losses thereof that may in any manner occur.

SEC. 4. The public school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted to the state by the general government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the general government; and of all other grants of land or money made to the state from the general government for general educational purposes, or where no other special purposes is indicated in such grant; all estates or distributive shares of estates that may escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state; and all other grants, gifts, devises or bequests made to the state for general educational purposes.

SEC. 5. Neither the legislature nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund or moneys whatever, anything in aid of any church or sectarian, or religious society, or for any sectarian or religious

[10]Amendment proposed by the legislature of 1911; ratified on November 5, 1912; effective on November 25, 1912.

rpose, or to help support or sustain any school, academy, seminary, college, iversity or other literary or scientific institution, controlled by any church, ctarian or religious denomination whatsoever; nor shall any grant or donan of land, money or other personal property ever be made by the state or y such public corporation, to any church or for any sectarian or religious rpose.

SEC. 6. No religious test or qualification shall ever be required of any rson as a condition of admission into any public educational institution of e state, either as a teacher or student; and no teacher or student of any ch institution shall ever be required to attend or participate in any religious vice whatever. No sectarian or religious tenets or doctrines shall ever be ught in the public schools, nor shall any distinction or classification of pils be made on account of race or color. No books, papers, tracts or docuents of a political, sectarian or denominational character shall be used or roduced in any schools established under the provisions of this article, r shall any teacher or any district receive any of the public school moneys which the schools have not been taught in accordance with the provisions this article.

SEC. 7. The governor, superintendent of public instruction, secretary of ite, attorney general and state auditor shall constitute the state board of nd commissioners, who shall have the direction, control and disposition of public lands of the state, under such regulations as may be prescribed law.[11]

SEC. 8. It shall be the duty of the state board of land commissioners to ovide for the location, protection, sale or rental of all the lands heretofore, which may hereafter be granted to the state by the general government, der such regulations as may be prescribed by law, and in such manner as ll secure the maximum possible amount therefor; Provided, That no school nds shall be sold for less than ten (10) dollars per acre. No law shall ever passed by the legislature granting any privileges to persons who may have tled upon any such public lands, subsequent to the survey thereof by the neral government, by which the amount to be derived by the sale, or other sposition of such lands, shall be diminished, directly or indirectly. The islature shall, at the earliest practicable period, provide by law that the neral grants of land made by congress to the state shall be judiciously rated and carefully preserved and held in trust, subject to disposal at public ction for the use and benefit of the respective objects for which said grants lands were made, and the legislature shall provide for the sale of said nds from time to time and for the sale of timber on all state lands and for faithful application of the proceeds thereof in accordance with the terms said grants: Provided, That not to exceed one hundred (100) sections of nool lands shall be sold in any one year, and to be sold in subdivisions of t to exceed three hundred and twenty (320) acres of land to any one indidual, company or corporation.[12]

SEC. 9. The legislature may require by law, that every child of sufficient ntal and physical ability, shall attend the public school throughout the riod between the ages of six and eighteen years, for a time equivalent to ree years, unless educated by other means.

SEC. 10. The location of the University of Idaho, as established by exing laws, is hereby confirmed. All the rights, immunities, franchises and slowments, heretofore granted thereto by the territory of Idaho are hereby rpetuated unto the said university. The regents shall have the general pervision of the university, and the control and direction of all the funds of, d appropriations to, the university, under such regulations as may be preibed by law. No university lands shall be sold for less than ten dollars r acre, and in subdivisions not to exceed one hundred and sixty acres, to y one person, company or corporation.

[11]Amendment proposed by the legislature of 1909; ratified on November 8, 1910; fective November 28, 1910.

[12]Amendment proposed by the legislature of 1915 and ratified on November 7, 1916.

SEC. 11. The permanent educational funds other than funds arising from the disposition of university lands belonging to the state, shall be loaned on first mortgage on improved farm lands within the state; state, United States or school district bonds, or state warrants, under such regulations as the legislature may provide. Provided, That no loan shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings.[13]

ARTICLE X.

PUBLIC INSTITUTIONS.

SECTION 1. Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established and supported by the state in such manner as may be prescribed by law.

SEC. 2. The seat of government of the state of Idaho shall be located at Boise City for twenty years from the admission of the state, after which time the legislature may provide for its re-location by submitting the question to a vote of the electors of the state at some general election.

SEC. 3. The legislature may submit the question of the location of the seat of government to the qualified voters of the state at the general election then next ensuing and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said legislature shall also provide that in case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next general election.

SEC. 4. All property and institutions of the territory shall, upon the adoption of the constitution become the property and institutions of the state of Idaho.

SEC. 5. The governor, secretary of state and attorney general shall constitute a board to be known as the state prison commissioners and shall have the control, direction and management of the penitentiaries of the state. The governor shall be chairman, and the board shall appoint a warden, who may be removed at pleasure. The warden shall have the power to appoint his subordinates, subject to the approval of the said board.

SEC. 6. There shall be appointed by the governor, three directors of the asylums for the insane, who shall be confirmed by the senate. They shall have the control, direction and management of the said asylums under such regulations as the legislature shall provide and hold their offices for a period of two years. The directors shall have the appointment of the medical superintendent who shall appoint the assistants with the approval of the directors.

SEC. 7. The legislature for sanitary reasons may cause the removal to more suitable localities of any of the institutions mentioned in section one of this article.

ARTICLE XI.

CORPORATIONS—PUBLIC AND PRIVATE.

SECTION 1. All existing charters or grants of special or exclusive privileges, under which the corporators or grantees shall not have organized or commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations as are or may be under the control of the state; but the legislature shall provide by general law for the organization of corporations hereafter to be created; Provided, That any such general law shall be subject to future repeal or alteration by the legislature.

SEC. 3. The legislature may provide by law for altering, revoking or an-

[13]Amendment proposed by the legislature of 1899; ratified on November 6, 1900, effective November 28, 1900.

ulling, any charter of incorporation, existing and revocable at the time of ıe adoption of this constitution, in such manner, however, that no injustice ıall be done to the corporators.

SEC. 4. The legislature shall provide by law that in all elections for irectors or managers of incorporated companies, every stockholder shall have ıe right to vote in person or by proxy for the number of shares of stock wned by him, for as many persons as there are directors or managers to elected, or to cumulate said shares, and give one candidate as many votes s the number of directors, multiplied by the number of his shares of stock, ıall equal, or to distribute them, on the same principle, among as many can-ıdates as he shall think fit, and such directors shall not be elected in any ther manner.

SEC. 5. All railroads shall be public highways, and all railroad, transpor-tion and express companies shall be common carriers, and subject to legis-tive control, and the legislature shall have power to regulate and control ; law, the rates of charges for the transportation of passengers and freight ; such companies or other common carriers, from one point to another in ıe state. Any association or corporation organized for the purpose, shall ıve the right to construct and operate a railroad between any designated ɔints within this state, and to connect within or at the state line, with rail-ɔads of other states and territories. Every railroad company shall have the ght with its road, to intersect, connect with, or cross any other railroad, ıder such regulations as may be prescribed by law, and upon making due ɔmpensation.

SEC. 6. All individuals, associations, and corporations, similarly situated, ıall have equal rights to have persons or property transported on and over ıy railroad, transportation, or express route in the state, except that pref-rence may be given to perishable property. No undue or unreasonable dis-imination shall be made in charges or facilities for transportation of freight passengers of the same class, by any railroad, or transportation, or express ɔmpany, between persons or places within the state; but excursion or com-utation tickets may be issued and sold at special rates, provided such rates re the same to all persons. No railroad, or transportation, or express com-ıny shall be allowed to charge, collect, or receive, under penalties which the gislature shall prescribe, any greater charge or toll for the transportation freight or passengers, to any place or station upon its route or line, than charges for the transportation of the same class of freight or passengers any more distant place or station upon its route or line within this state. o railroad, express, or transportation company, nor any lessee, manager, or her employee thereof, shall give any preference to any individual, associa-on, or corporation, in furnishing cars or motive power, or for the transpor-ıtion of money or other express matter.

SEC. 7. No corporations other than municipal corporations in existence the time of the adoption of this constitution, shall have the benefit of any ıture legislation, without first filing in the office of the secretary of state an ceptance of the provisions of this constitution in binding form.

SEC. 8. The right of eminent domain shall never be abridged, nor so onstrued as to prevent the legislature from taking the property and fran-ıises of incorporated companies, and subjecting them to public use, the same s property of individuals; and the police powers of the state shall never be bridged, or so construed as to permit corporations to conduct their business ı such manner as to infringe the equal rights of individuals, or the general ell being of the state.

SEC. 9. No corporation shall issue stock or bonds, except for labor done, ervices performed, or money or property actually received; and all fictitious ıcrease of stock or indebtedness shall be void. The stock of corporations ıall not be increased except in pursuance of general law, nor without the onsent of the persons, holding a majority of the stock, first obtained at a ıeeting, held after at least thirty days notice given in pursuance of law.

SEC. 10. No foreign corporation shall do any business in this state with-

out having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served; and no company or corporation formed under the laws of any other country, state or territory, shall have or be allowed to exercise or enjoy, within this state, any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of this state.

SEC. 11. No street, or other railroad, shall be constructed within any city, town, or incorporated village, without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street or other railroad.

SEC. 12. The legislature shall pass no law for the benefit of a railroad, or other corporation, or any individual, or association of individuals retroactive in its operation, or which imposes on the people of any county or municipal subdivision of the state, a new liability in respect to transactions or considerations already past.

SEC. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph or telephone within this state, and connect the same with other lines; and the legislature shall by general law of uniform operation, provide reasonable regulations to give full effect to this section.

SEC. 14. If any railroad, telegraph, express, or other corporation, organized under any of the laws of this state, shall consolidate, by sale or otherwise, with any railroad, telegraph, express or other corporation, organized under any of the laws of any other state or territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this state shall retain jurisdiction over that part of the corporate property within the limits of the state in all matters that may arise, as if said consolidation had not taken place.

SEC. 15. The legislature shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 16. The term "corporation" as used in this article, shall be held and construed to include all associations and joint stock companies, having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 17. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholders be individually liable in any amount over or above the amount of stock owned by him.

SEC. 18. That no incorporated company or any association of persons or stock company, in the state of Idaho, shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or in any manner whatsoever, for the purpose of fixing the price or regulating the production of any article of commerce or of produce of the soil, or of consumption by the people; and that the legislature be required to pass laws for the enforcement thereof, by adequate penalties, to the extent, if necessary for that purpose, of the forfeiture of their property and franchise.

ARTICLE XII.

CORPORATIONS—MUNICIPAL.

SECTION 1. The legislature shall provide by general laws for the incorporation, organization and classification of the cities and towns in proportion to the population, which laws may be altered, amended or repealed by the general laws. Cities and towns heretofore incorporated, may become organized under such general laws, whenever a majority of the electors at a

eral election, shall so determine, under such provision therefor as may be de by the legislature.

SEC. 2. Any county, or incorporated city or town may make and enforce, hin its limits, all such local police, sanitary and other regulations as are in conflict with its charter or with the general laws.

SEC. 3. The state shall never assume the debts of any county, town or er municipal corporation, unless such debt shall have been created to repel asion, suppress insurrection or defend the state in war.

SEC. 4. No county, town, city or other municipal corporation, by vote of citizens or otherwise, shall ever become a stockholder in any joint stock pany, corporation or association whatever, or raise money for, or make ation or loan its credit to, or in aid of, any such company or association: vided, That cities and towns may contract indebtedness for school, water, itary and illuminating purposes; Provided, That any city or town con- ting such indebtedness shall own its just proportion of the property thus ated and receive from any income arising therefrom, its proportion to the ple amount so invested.

ARTICLE XIII.

IMMIGRATION AND LABOR.

SECTION 1. There shall be established a bureau of immigration, labor and istics, which shall be under the charge of a commissioner of immigration, or and statistics, who shall be appointed by the governor, by and with the sent of the senate. The commissioner shall hold his office for two years, until his successor shall have been appointed and qualified, unless sooner moved. The commissioner shall collect information upon the subject of or, its relation to capital, the hours of labor and the earnings of laboring n and women, and the means of promoting their material, social, intellectual moral prosperity. The commissioner shall annually make a report in ting to the governor of the state of the information collected and collated him, and containing such recommendations as he may deem calculated to mote the efficiency of the bureau.

SEC. 2. No more than eight (8) hours actual work shall constitute a ful day's work on all state and municipal works, and the legislature shall s laws to provide for the health and safety of employees in factories, lters, mines and ore reduction works.[14]

[SEC. 3. Repealed November 25, 1912.][15]

SEC. 4. The employment of children under the age of fourteen (14) years underground mines is prohibited.

SEC. 5. No person, not a citizen of the United States or who has not lared his intention to become such, shall be employed upon, or in connection h, any state or municipal works.

SEC. 6. The legislature shall provide by proper legislation for giving to chanics, laborers and material men an adequate lien on the subject matter their labor.

SEC. 7. The legislature may establish boards of arbitration whose duty shall be to hear and determine all differences and controversies between orers and their employers which may be submitted to them in writing by the parties. Such boards of arbitration shall possess all the powers and hority in respect to administering oaths, subpœnaing witnesses, and com- ing their attendance, preserving order during the sittings of the board, ishing for contempt, and requiring the production of papers and writings, l all other powers and privileges, in their nature applicable, conferred by on justices of the peace.

SEC. 8. The commissioner of immigration, labor and statistics, shall per- m such duties and receive such compensation, as may be prescribed by law.

[14]Amendment proposed by the legislature of 1901; ratified on November 4, 1902; ective November 28, 1902.

[15]Amendment proposed by the legislature of 1911; ratified on November 5, 1912; ective November 25, 1912.

ARTICLE XIV.

MILITIA.

SECTION 1. All able-bodied male persons residents of this state, between the ages of eighteen and forty-five years, shall be enrolled in the militia and perform such military duty, as may be required by law; but no person having conscientious scruples against bearing arms, shall be compelled to perform such duty in time of peace. Every person claiming such exemption from service, shall, in lieu thereof, pay into the school funds of the county of which he may be a resident, an equivalent in money; the amount and manner of payment to be fixed by law.

SEC. 2. The legislature shall provide by law for the enrollment, equipment and discipline of the militia, to conform as nearly as practicable to the regulations for the government of the armies of the United States, and pass such laws to promote volunteer organizations, as may afford them effectual encouragement.

SEC. 3. All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the legislature may provide.

SEC. 4. All military records, banners, and relics of the state, except when in lawful use, shall be preserved in the office of the adjutant-general, as an enduring memorial of the patriotism and valor of the soldiers of Idaho; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

SEC. 5. All military organizations under the laws of this state, shall carry no other device, banner or flag, than that of the United States or the state of Idaho.

SEC. 6. No armed police force, or detective agency, or armed body of men, shall ever be brought into this state for the suppression of domestic violence, except upon the application of the legislature, or the executive, when the legislature can not be convened.

ARTICLE XV.

WATER RIGHTS.

SECTION 1. The use of all waters now appropriated, or that may hereafter be appropriated for sale, rental, or distribution; also of all water originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be sold, rented, or distributed, is hereby declared to be a public use, and subject to the regulation and control of the state in the manner prescribed by law.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and cannot be exercised except by authority of and in the manner prescribed by law.

SEC. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water, but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall, (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purposes. And those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in Sec. 14 Article I of this Constitution.

SEC. 4. Whenever any waters have been, or shall be appropriated, or used

agricultural purposes, under a sale, rental or distribution thereof, such sale, ital, or distribution shall be deemed an exclusive dedication to such use; and enever such waters, so dedicated, shall have once been sold, rented or dis- uted to any person who has settled upon, or improved land for agricultural poses, with the view of receiving the benefit of such water under such dedi- ion, such person, his heirs, executors, administrators, successors or assigns, ll not thereafter without his consent, be deprived of the annual use of the e, when needed for domestic purposes, or to irrigate the land so settled n or improved, upon payment therefor, and compliance with such equitable ms and conditions as to the quantity used and times of use, as may be pre- ibed by law.

SEC. 5. Whenever more than one person has settled upon, or improved d with the view of receiving water for agricultural purposes, under a sale, tal or distribution thereof, as in the last preceding section of this article, vided, as among such persons, priority in time shall give superiority of t to the use of such water in the numerical order of such settlements or provements; but whenever the supply of such water shall not be sufficient to t the demands of all those desiring to use the same, such priority of right ll be subject to such reasonable limitations as to the quantity of water used, times of use, as the legislature, having due regard, both to such priority right, and the necessities of those subsequent in time of settlement or im- vement may by law prescribe.

SEC. 6. The legislature shall provide by law, the manner in which reason- maximum rates may be established to be charged for the use of water, d, rented, or distributed, for any useful or beneficial purpose.

ARTICLE XVI.

LIVE STOCK.

SECTION 1. The legislature shall pass all necessary laws to provide for the tection of live stock against the introduction or spread of pleura-pneumonia, aders, splenatic, or Texas Fever, and other infections or contagious dis- es. The legislature may also establish a system of quarantine or inspec- and such other regulations as may be necessary for the protection of stock ners and most conducive to the stock interests within this state.

ARTICLE XVII.

STATE BOUNDARIES.

SECTION 1. The name of this state is Idaho, and its boundaries are as ows: Beginning at a point in the middle channel of Snake river where northern boundary of Oregon intersects the same; then follow down the nnel of the Snake river to a point opposite the mouth of the Kooskooskia Clearwater river; thence due north of the forty-ninth parallel of latitude: nce east, along that parallel to the thirty-ninth degree of longitude west Washington; thence south, along that degree of longitude to the crest of Bitter Root mountains; thence southward along the crest of the Bitter Root intains till its intersection with the Rocky mountains; thence southward ng the crest of the Rocky mountains to the thirty-fourth degree of longitude st of Washington; thence south along that degree of longitude to the y-second degree of north latitude; thence west, along that parallel, to the tern boundary of the state of Oregon; thence north, along that boundary, he place of beginning.

ARTICLE XVIII.

COUNTY ORGANIZATION.

SECTION 1. The several counties of the territory of Idaho, as they now st, are hereby recognized as legal subdivisions of this state.

SEC. 2. No county seat shall be removed unless upon petition of a majority the qualified electors of the county, and unless two-thirds of the qualified

electors of the county, voting on the proposition at a general election, shall vot in favor of such removal. A proposition of removal of the county seat shal not be submitted in the same county more than once in six years, except a provided by existing laws: "No person shall vote at any county seat election who has not resided in the county six months, and in the precinct ninety days."

SEC. 3. No county shall be divided unless a majority of the qualifie electors of the territory proposed to be cut off, voting on the proposition at a general election, shall vote in favor of such division, Provided, That this sec tion shall not apply to the creation of new counties. No person shall vote a such election who has not been ninety days a resident of the territory pro posed to be annexed.

When any part of a county is stricken off and attached to another county the part stricken off shall be held to pay its ratable proportion of all the existing liabilities of the county from which it is taken.

SEC. 4. No new counties shall be established which shall reduce any count to an area of less than four hundred square miles, nor the valuation of it taxable property to less than one million dollars. Nor shall any new county be formed which shall have an area of less than four hundred square miles and taxable property less than one million dollars, as shown by the last pre vious assessment.[16]

SEC. 5. The legislature shall establish, subject to the provisions of thi article, a system of county governments which shall be uniform throughou the state; and by general laws shall provide for township or precinct organi zation.

SEC. 6. The legislature by general and uniform laws shall provide for th election biennially in each of the several counties of the state, of county com missioners, a sheriff, a county treasurer, who is ex-officio public administrato and also ex-officio tax collector, a probate judge, a county superintendent o public instruction, a county assessor, a coroner and surveyor. The clerk of th district court shall be ex-officio auditor and recorder. No other county office shall be established, but the legislature by general and uniform laws sha provide for the election of such township, precinct and municipal officers a public convenience may require, and shall prescribe their duties, and fix the terms of office. The legislature shall provide for the strict accountability o county, township, precinct and municipal officers for all fees which may b collected by them, and for all public and municipal moneys, which may b paid to them, or officially come into their possession. The county commi sioners may employ counsel when necessary. The sheriff, county assesso county treasurer and ex-officio tax collector, auditor and recorder and cler of the district court, shall be empowered by the county commissioners to ap point such deputies and clerical assistance as the business of their office ma require; said deputies and clerical assistants to receive such compensation a may be fixed by the county commissioners. The salary and qualifications o the county superintendent shall be fixed by law.[17]

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[16]Amendment proposed by the legislature of 1897; ratified on November 8, 189 effective December 5, 1898.

[17]Section 6 has been amended five times; the first amendment was proposed b the legislature of 1893; ratified on November 6, 1894; effective December 1, 189 The second amendment was proposed by the legislature of 1895; ratified on Novemb 3, 1896; effective November 27, 1896. The third amendment was proposed by th legislature of 1907; ratified on November 3, 1908; effective November 25, 1908. Th fourth amendment was proposed by the legislature of 1909; ratified on November 1910; effective November 28, 1910. The present amendment was proposed by th legislature of 1911; ratified on November 5, 1912; effective November 25, 1912. Th text of the amendment of 1894 is as follows; Section 6. The legislature by gener and uniform laws, shall provide for the election biennially in each of the sever counties of the state, of county commissioners, a sheriff, a county treasurer, wh is ex officio public administrator; a probate judge, a county superintendent of publ instruction, a county assessor, who is ex officio tax collector; a coroner and a su veyor. The clerk of the district court shall be ex officio, auditor and recorder; n other county offices shall be established, but the legislature, by general and unifor laws, shall provide for the election of such township, precinct and municipal office as public convenience may require, and shall prescribe their duties and fix their term of office. The legislature shall provide for the strict accountability of county, townshi

SEC. 7. All county officers, and deputies when allowed, shall receive, as all compensation for their services, fixed annual salaries, to be paid quarterly out of the county treasury, as other expenses are paid.

All actual necessary expenses, incurred by any county officer or deputy, in the performance of his official duties, shall be a legal charge against the county, and may be retained by him out of any fees, which may come into his hands. All fees, which may come into his hands from whatever source, over and above his actual and necessary expenses, shall be turned into a county treasury at the end of each quarter. He shall, at the end of each quarter, file with the clerk of the board of county commissioners, a sworn statement, accompanied by proper vouchers, showing all expenses incurred and all fees received, which must be audited by the board as other accounts.[18]

SEC. 8. The compensation provided in section seven (7) for the officers therein mentioned, shall be paid by fees or commissions, or both, as prescribed by law. All fees and commissions received by such officers in excess of the maximum compensation per annum provided for each in section seven (7) of this article, shall be paid to the county treasurer, for the use and benefit of the county. In case the fees received in any one year by any one of such officers, shall not amount to the minimum compensation per annum therein provided, he shall be paid by the county, a sum sufficient to make his aggregate annual compensation equal to such minimum compensation.

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precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys, which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary; the sheriff, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected. The salary and qualifications of the county school superintendent shall be fixed by law. The text of the amendment of 1908 is as follows: Section 6. The legislature, by general and uniform laws, shall provide for the election biennially in each of the several counties of the state, of county commissioners, a sheriff, a county treasurer who is ex officio public administrator, a probate judge, a county superintendent of public instruction, a county assessor who is ex officio tax collector, a coroner and surveyor. The clerk of the district court shall be ex officio auditor and recorder. No other county offices shall be established, but the legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, assessor and tax collector, auditor and recorder, and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected. The salary and qualifications of the county superintendent shall be fixed by law. The text of the amendment of 1910 is as follows: Section 6. The legislature, by general and uniform laws, shall provide for the election biennially in each of the several counties of the state, of county commissioners, a sheriff, a county treasurer who is ex officio public administrator, a probate judge, a county superintendent of public instruction, a county assessor who is ex officio tax collector, a coroner and surveyor. The clerk of the district court shall be ex officio auditor and recorder. No other county offices shall be established, but the legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys, which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor and ex officio tax collector, auditor and recorder, and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their office may require, said deputies and clerical assistants to receive such compensation as may be fixed by the county commissioners. The salary and qualifications of the county superintendent shall be fixed by law.

[18]Amendment proposed by the legislature of 1897; ratified on November 8, 1898; effective December 5, 1898.

SEC. 9. The neglect or refusal, of any county officer or deputy to account for and pay into the county treasury, any money received, as fees or compensation, in excess of his actual and necessary expenses, incurred in the performance of his official duties, within ten days after his quarterly settlement with the county, shall be a felony, and the grade of the crime shall be embezzlement of public funds, and be punishable as provided for such offenses.[19]

SEC. 10. The board of county commissioners shall consist of three members whose term of office shall be two years.

SEC. 11. County, township, and precinct officers shall perform such duties as shall be prescribed by law.

ARTICLE XIX.

APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the apportionment of the two houses of the legislature shall be as follows:

The first senatorial district shall consist of the county of Shoshone, and shall elect two senators;

The second shall consist of the counties of Kootenai and Latah, and shall elect one senator;

The third shall consist of the counties of Nez Perce and Idaho, and shall elect one senator;

The fourth shall consist of the counties of Nez Perce and Latah, and shall elect one senator;

The fifth shall consist of the county of Latah, and shall elect one senator;

The sixth shall consist of the county of Boise, and shall elect one senator;

The seventh shall consist of the county of Custer, and shall elect one senator;

The eighth shall consist of the county of Lemhi, and shall elect one senator;

The ninth shall consist of the county of Logan, and shall elect one senator;

The tenth shall consist of the county of Bingham, and shall elect one senator;

The eleventh shall consist of the counties of Bear Lake, Oneida and Bingham, and shall elect one senator;

The twelfth shall consist of the counties of Owyhee and Cassia, and shall elect one senator;

The thirteenth shall consist of the county of Elmore, and shall elect one senator;

The fourteenth shall consist of the county of Alturas, and shall elect one senator;

The fifteenth shall consist of the county of Ada, and shall elect two senators;

The sixteenth shall consist of the county of Washington, and shall elect one senator.

SEC. 2. The several counties shall elect the following members of the House of Representatives:

The county of Ada, three members;
The counties of Ada and Elmore, one member;
The county of Alturas, two members;
The county of Boise, two members;
The county of Bear Lake, one member;
The county of Bingham, three members;
The county of Cassia, one member;
The county of Custer, two members;
The county of Elmore, one member;
The county of Idaho, one member;
The counties of Idaho and Nez Perce, one member;
The county of Kootenai, one member;
The county of Latah, two members;

[19] Amendment proposed by the legislature of 1897; ratified on November 8, 1898; effective December 5, 1898.

The counties of Kootenai and Latah, one member;
The county of Logan, two members;
The county of Lemhi, two members;
The county of Nez Perce, one member;
The county of Oneida, one member;
The county of Owyhee, one member;
The county of Shoshone, four members;
The county of Washington, two members;
The counties of Bingham, Logan and Alturas, one member.

ARTICLE XX.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the state, at the next general election, and cause the same to be published without delay for at least six consecutive weeks, prior to said election in not less than one newspaper of general circulation, published in each county; and if a majority of the electors shall ratify the same, such amendment or amendments shall become part of this Constitution.

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

SEC. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double the number of the most numerous branch of the legislature.

SEC. 4. Any Constitution adopted by such Convention, shall have no validity until it has been submitted to, and adopted by, the people.

ARTICLE XXI.

SCHEDULE AND ORDINANCE.

SECTION 1. That no inconvenience may arise from a change of the territorial government to a permanent state government, it is declared that all rights, actions, prosecutions, claims, liabilities, and obligations against the territory of Idaho, of whatsoever nature and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the territory of Idaho, shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the territory of Idaho, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation or be altered or repealed by the legislature.

SEC. 3. All fines, penalties, forfeitures, and escheats accruing to the territory of Idaho, shall accrue to the use of the state.

SEC. 4. All recognizances, bonds, obligations, or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the state; and all bonds, obligations, or other undertaking executed by this territory, or to any other officer in his official capacity, shall pass over to the proper state authority, and to their

successors in office for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this Constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

SEC. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

SEC. 6. This Constitution shall be submitted for adoption or rejection, to a vote of the electors, qualified by the laws of this Territory to vote at all elections, at an election to be held on the Tuesday next after the first Monday in November, A. D., 1889. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections and the returns thereof shall be made and canvassed in the same manner and by the same authority as provided in cases of such general elections, and abstracts of such returns duly certified, shall be transmitted to the board of canvassers now provided by law for canvassing the returns of votes for delegate in Congress. The said canvassing board shall canvass the votes so returned and certify and declare the result of said election in the same manner as is required by law for the election of said delegate.

At the said election, the ballots shall be in the following form: For the Constitution: Yes. No.

And as a heading to each of said ballots shall be printed on each ballot the following instructions to voters:

All persons who desire to vote for the Constitution, or any of the articles submitted to a separate vote, may erase the word "no."

All persons who desire to vote against the Constitution, or against any article submitted separately, may erase the word "yes."

Any person may have printed or written on his ballot only the words "For the Constitution," or "Against the Constitution," and such ballots shall be counted for or against the Constitution accordingly.

SEC. 7. This Constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

SEC. 8. Immediately upon the admission of the Territory as a State, the Governor of the Territory, or in case of his absence or failure to act, the Secretary of the Territory, or in case of his absence or failure to act, the President of this convention, shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people of all state, district, county, township, and other officers, created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than ninety days after the admission of the Territory as a State.

SEC. 9. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in case of general elections for delegate to Congress, and county and other officers. Every qualified elector of the Territory, at the date of said election, shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and the returns thereof shall be made and canvassed in the same manner, and by the same authority as provided in cases of such general election; but returns for all state and district officers and members of the legislature, shall be made to the canvassing board hereinafter.

SEC. 10. The governor, secretary, controller, and attorney general of the Territory, and the president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote at such elections for State and district officers and members of the legislature. The said board shall assemble at the seat of government of the Territory on the thirteenth day

after the date of such election (or on the following day if such day fall on Sunday) proceed to canvass the votes for all state and district officers and members of the legislature, in the manner provided by the laws of the Territory for canvassing the vote for delegate to Congress, and they shall issue certificates of election to the persons found to be elected to said offices severally, and shall make and file with the secretary of the territory, an abstract certified by them, of the number of votes cast for each person for each of said officers, and of the total number of votes cast in each county.

SEC. 11. The canvassing boards of the several counties shall issue certificates of election to the several persons found by them to have been elected to the several county and precinct offices.

SEC. 12. All officers elected at such election, shall within thirty days after they have been declared elected, take the oath required by this Constitution, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory, district or county, and shall thereupon enter upon the duties of their respective offices; but the legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

SEC. 13. All officers elected at such election shall hold their offices until the legislature shall provide by law, in accordance with this Constitution, for the election of their successors, and until such successors shall be elected and qualified.

SEC. 14. The governor-elect of the state, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the State at the seat of Government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the legislature, both houses of the legislature shall then and there proceed to elect, as provided by law, two senators of the United States for the State of Idaho. At said election the two persons who shall receive the majority of all votes cast by said senators and representatives, shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the Senate and House shall issue a certificate to each of said senators, certifying his election, which certificates shall also be signed by the governor and attested by the secretary of state.

SEC. 15. The legislature shall pass all necessary laws to carry into effect the provisions of this Constitution.

SEC. 16. Whenever any two of the judges of the supreme court of the state, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the supreme court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State; and until so superseded, the supreme court of the Territory and the judges thereof shall continue, with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the district court of any district elected under the provisions of this Constitution shall have qualified in office, the several causes then pending in the district court of the Territory within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such county; and until the district courts of this Territory shall be superseded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the Territory.

SEC. 17. Until otherwise provided by law the seals now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts, respectively, of the State.

SEC. 18. Whenever this Constitution shall go into effect, the books, records,

and papers, and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the probate court of the same county of the State, and the said probate court shall proceed to final decree or judgment, order or other determination in the said several matters and causes as the said probate court might have done as if this Constitution had not been adopted.

SEC. 19. It is ordained by the State of Idaho that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship. And the people of the State of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States, residing without the said State of Idaho, shall never be taxed at a higher rate than the lands belonging to the residents thereof. That no taxes shall be imposed by the state on the lands or property therein, belonging to, or which may hereafter be purchased by the United States, or reserved for its use. And the debts and liabilities of this Territory shall be assumed and paid by the State of Idaho.

That this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Idaho.

SEC. 20. That in behalf of the people of Idaho we, in convention assembled, do adopt the Constitution of the United States.

Done in open convention at Boise City, in the Territory of Idaho, this sixth day of August, in the year of our Lord, one thousand eight hundred and eighty-nine.

WM. H. CLAGETT, *President.*

CONSTITUTION OF ILLINOIS—1870.*

PREAMBLE.

We, the People of the State of Illinois—grateful to Almighty God for the vil, political and religious liberty which He hath so long permitted us to njoy, and looking to Him for a blessing upon our endeavors to secure and ransmit the same unimpaired to succeeding generations—in order to form a ore perfect government, establish justice, insure domestic tranquility, pro-de for the common defense, promote the general welfare, and secure the essing of liberty to ourselves and our posterity, do ordain and establish this onstitution for the State of Illinois.

ARTICLE I.

BOUNDARIES.

The boundaries and jurisdictions of the State shall be as follows, to-wit: eginning at the mouth of the Wabash river, thence up the same, and with ne line of Indiana to the northwest corner of said State; thence east with ne line of the same state to the middle of Lake Michigan; thence north ong the middle of said lake to north latitude forty-two degrees and thirty inutes, thence west to the middle of the Mississippi river, and thence down ong the middle of that river to its confluence with the Ohio river, and ence up the latter river along its northwestern shore to the place of begin-ng: *Provided*, that this State shall exercise such jurisdiction upon the Ohio ver as she is now entitled to, or such as may hereafter be agreed upon by is State and the State of Kentucky.

ARTICLE II.

BILL OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have cer-in inherent and inalienable rights—among these are life, liberty and the rsuit of happiness. To secure these rights and the protection of property, overnments are instituted among men, deriving their just powers from the nsent of the governed.

SEC. 2. No person shall be deprived of life, liberty, or property without ie process of law.

SEC. 3. The free exercise and enjoyment of religious profession and wor-ip, without discrimination, shall forever be guaranteed; and no person shall denied any civil or political right, privilege or capacity on account of his ligious opinions; but the liberty of conscience hereby secured shall not be nstrued to dispense with oaths or affirmations, excuse acts of licentious-ss, or justify practices inconsistent with the peace or safety of the State. o person shall be required to attend or support any ministry or place of rship against his consent, nor shall any preference be given by law to any ligious denomination or mode of worship.

*The constitution of Illinois was framed by a convention which assembled at ringfield on December 13, 1869, and adjourned on May 13, 1870. The election at ich the constitution was submitted to the voters was held on July 2, 1870. The ctors were permitted to vote on the adoption or rejection of the constitution as whole; on sections 9, 10, 11, 12, 13, 14 and 15, relating to railroads, in Article on corporations; on Article X, concerning counties; on Article XIII, concern-g warehouses; on Section 4 of Article X, concerning the removal of county seats a three-fifths vote of the electors interested; on the section relating to the Illi-is Central Railroad; on Sections 7 and 8 of Article IV, concerning minority repre-ntation; on the section relating to municipal subscriptions to railroads or private rporations; and on the section relating to the Illinois and Michigan Canal. The tions separately submitted became effective on July 2, 1870; the remainder of the nstitution became effective on August 8, 1870.

SEC. 4. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth when published with good motives and for justifiable ends, shall be a sufficient defense.

SEC. 5. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but the trial of civil cases before justices of the peace, by a jury of less than twelve men, may be authorized by law.

SEC. 6. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the person or things to be seized.

SEC. 7. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

SEC. 8. No person shall be held to answer for a criminal offense unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

SEC. 9. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation, and to have a copy thereof; to meet the witnesses face to face, and to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 10. No person shall be compelled in any criminal case to give evidence against himself, or to be twice put in jeopardy for the same offense.

SEC. 11. All penalties shall be proportioned to the nature of the offense; and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the State for any offense committed within the same.

SEC. 12. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases where there is strong presumption of fraud.

SEC. 13. Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the State, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

SEC. 14. No *ex post facto* law, or law impairing the obligation of contracts, or making any irrevocable grant of special privilege or immunities, shall be passed.

SEC. 15. The military shall be in strict subordination to the civil power.

SEC. 16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

SEC. 17. The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

SEC. 18. All elections shall be free and equal.

SEC. 19. Every person ought to find a certain remedy in the laws for all injuries and wrongs which he may receive in his person, property or reputation; he ought to obtain by law, right and justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay.

SEC. 20. A frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

ARTICLE III.

DISTRIBUTION OF POWERS.

The powers of the government of this State are divided into three dis-t departments—the Legislative, Executive and Judicial; and no person, or ection of persons, being one of these departments, shall exercise any power perly belonging to either of the others, except as hereinafter expressly ected or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a General Assembly, ich shall consist of a Senate and House of Representatives, both to be elected the people.

ELECTION.

SEC. 2. An election for members of the General Assembly shall be held the Tuesday next after the first Monday in November, in the year of our d one thousand eight hundred and seventy, and every two years thereafter, each county, at such places therein as may be provided by law. When ancies occur in either house, the Governor, or person exercising the pow- of Governor, shall issue writs of election to fill such vacancies.

ELIGIBILITY AND OATH.

SEC. 3. No person shall be a senator who shall not have attained the age 25 years, or a representative who shall not have attained the age of 21 rs. No person shall be a senator or representative who shall not be a zen of the United States and who shall not have been for five years a dent of this State, and for two years next preceding his election a resi- t within the territory forming the district from which he is elected. No ge or clerk of any court, Secretary of State, Attorney General, State's rney, Recorder, Sheriff or Collector of Public Revenue, members of either se of Congress, or persons holding any lucrative office under the United tes or this State, or any foreign government, shall have a seat in the Gen- Assembly: *Provided*, that appointments in the militia, and the offices of ary public and justice of the peace shall not be considered lucrative. Nor l any person holding any office of honor or profit under any foreign gov- nment, or under the government of the United States (except postmasters ose annual compensation does not exceed the sum of $300.00) hold any e of honor or profit under the authority of this State.

SEC. 4. No person who has been, or hereafter shall be convicted of bri- , perjury or other infamous crime, nor any person who has been or may be llector or holder of public moneys, who shall not have accounted for and l over, according to law, all such moneys due from him, shall be eligible he General Assembly, or to any office of profit or trust in this State.

SEC. 5. Members of the General Assembly, before they enter upon their ial duties, shall take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the constitution of United States and the constitution of the State of Illinois, and will faith- discharge the duties of Senator (or Representative) according to the of my ability; and that I have not knowingly or intentionally paid or ributed anything, or made any promise in the nature of a bribe to directly ndirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive, directly or rectly, any money or other valuable thing from any corporation, company erson for any vote or influence I may give or withhold on any bill, reso- on or appropriation or for any other official act."

This oath shall be administered by a judge of the Supreme or Circuit t in the hall of the house to which the member is elected, and the Secre- of State shall record and file the oath subscribed by each member. Any ber who shall refuse to take the oath herein prescribed shall forfeit his e, and every member who shall be convicted of having sworn falsely to.

or of violating, his said oath shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in this State.

APPORTIONMENT—SENATORIAL.

SEC. 6. The General Assembly shall apportion the State every ten years, beginning with the year one thousand eight hundred and seventy-one, by dividing the population of the State, as ascertained by the federal census, by the number fifty-one, and the quotient shall be the ratio of representation in the senate. The State shall be divided into fifty-one senatorial districts, each of which shall elect one senator, whose term of office shall be four years. The Senators elected in the year of our Lord one thousand eight hundred and seventy-two, in districts bearing odd numbers, shall vacate their offices at the end of two years, and those elected in districts bearing even numbers at the end of four years, and vacancies occurring by the expiration of term shall be filled by the election of senators for the full term. Senatorial districts shall be formed of contiguous and compact territory, bounded by county lines, and contain as nearly as practicable an equal number of inhabitants; but no district shall contain less than four-fifths of the senatorial ratio. Counties containing not less than the ratio and three-fourths may be divided into separate districts, and shall be entitled to two senators, and to one additional senator for each number of inhabitants equal to the ratio contained by such counties in excess of twice the number of said ratio.

REPRESENTATIVES.

SEC. 7. The population of the State, as ascertained by the federal census, shall be divided by the number 153, and the quotient shall be the ratio of representation in the House of Representatives. Every county or district shall be entitled to one representative, when its population is three-fifths of the ratio; if any county has less than three-fifths of the ratio, it shall be attached to the adjoining county having the least population, to which no other county has, for the same reason, been attached, and the two shall constitute a separate district. Every county or district having a population not less than the ratio and three-fifths, shall be entitled to two representatives, and for each additional number of inhabitants, equal to the ratio, one representative. Counties having over 200,000 inhabitants may be divided into districts, each entitled to not less than three nor more than five representatives. After the year one thousand eight hundred and eighty, the whole population shall be divided by the number 159, and the quotient shall be the ratio of representation in the House of Representatives for the ensuing ten years, and six additional representatives shall be added for every 500,000 increase of population at each decennial census thereafter, and be apportioned in the same manner as above provided.

SEC. 8. When a county or district shall have a fraction of population above what shall entitle it to one representative, or more, according to the provisions of the foregoing section, amounting to one-fifth of the ratio, it shall be entitled to one additional representative in the fifth term of each decennial period; when such fraction is two-fifths of the ratio, it shall be entitled to one additional representative in the fourth and fifth terms of said period; when the fraction is three-fifths of the ratio, it shall be entitled to an additional representative in the first, second and third terms, respectively; when a fraction is four-fifths of the ratio, it shall be entitled to an additional representative in the first, second, third and fourth terms, respectively.

NOTE.—By the adoption of minority representation, Sections 7 and 8 of this Article above set forth, cease to be a part of the Constitution. Under Section 12 of the Schedule and the vote of adoption, the following section, relating to minority representation, was submitted for said sections:

MINORITY REPRESENTATION.

SECS. 7 and 8. The House of Representatives shall consist of three times the number of the members of the Senate, and the term of office shall be two years. Three representatives shall be elected in each senatorial district

e general election in the year of our Lord one thousand eight hundred and
venty-two, and every two years thereafter. In all elections of representa-
es aforesaid, each qualified voter may cast as many votes for one candidate
there are representatives to be elected, or may distribute the same, or equal
rts thereof, among the candidates, as he shall see fit; and the candidates
ghest in votes shall be declared elected.

TIME OF MEETING AND GENERAL RULES.

SEC. 9. The sessions of the General Assembly shall commence at 12:00
clock noon, on the Wednesday next after the first Monday in January, in the
ar next ensuing the election of members thereof, and at no other time, un-
s as provided by this constitution. A majority of the members elected to
ch house shall constitute a quorum. Each house shall determine the rules
its proceedings, and be the judge of the election, returns and qualifications
its members; shall choose its own officers; and the Senate shall choose
temporary president to preside when the Lieutenant Governor shall not
end as president, or shall act as Governor. The Secretary of State shall
ll the House of Representatives to order at the opening of each new assem-
, and preside over it until a temporary presiding officer thereof shall have
en chosen, and shall have taken his seat. No member shall be expelled by
her house, except by a vote of two-thirds of all the members elected to
at house, and no member shall be twice expelled for the same offense. Each
use may punish by imprisonment any person not a member who shall be
ilty of disrespect to the house by disorderly or contemptuous behavior in
presence. But no such imprisonment shall extend beyond twenty-four
urs at one time, unless the person shall persist in such disorderly or con-
nptuous behavior.

SEC. 10. The door of each house and of committees of the whole shall be
ot open, except in such cases as, in the opinion of the house, require se-
cy. Neither house shall, without the consent of the other, adjourn for
ore than two days, or to any other place than that in which the two houses
all be sitting. Each house shall keep a journal of its proceedings, which
all be published. In the Senate, at the request of two members, and in the
ouse, at the request of five members, the yeas and nays shall be taken on
y question, and entered upon the journal. Any two members of either
use shall have liberty to dissent from and protest, in respectful language,
ainst any act or resolution which they think injurious to the public or
any individual, and have the reasons of their dissent entered upon the
urnals.

STYLE OF LAWS AND PASSAGE OF BILLS.

SEC. 11. The style of the laws of this State shall be: "*Be it enacted by
People of the State of Illinois, represented in the General Assembly.*"

SEC. 12. Bills may originate in either house, but may be altered, amended
rejected by the other; and, on the final passage of all bills, the vote shall
by yeas and nays, upon each bill separately, and shall be entered upon
journal; and no bill shall become a law without the concurrence of a
jority of the members elected to each house.

SEC. 13. Every bill shall be read at large on three different days, in each
use; and the bill and all amendments thereto shall be printed before the
ge is taken on its final passage; and every bill, having passed both houses,
all be signed by the speaker thereof. No act hereafter passed shall em-
ace more than one subject, and that shall be expressed in the title. But if
y subject shall be embraced in an act which shall not be expressed in the
le, such act shall be void only as to so much thereof as shall not be so ex-
essed; and no law shall be revived or amended by reference to its title only,
t the law revived, or the section amended, shall be inserted at length in
new act. And no act of the General Assembly shall take effect until the
st day of July next after its passage, unless, in case of emergency (which
ergency shall be expressed in the preamble or body of the act), the Gen-
al Assembly shall, by a vote of two-thirds of all the members elected to
ch house, otherwise direct.

PRIVILEGES AND DISABILITIES.

SEC. 14. Senators and Representatives shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 15. No person elected to the General Assembly shall receive any civil appointment within this State from the Governor, the Governor and Senate, or from the General Assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such members for any such office or appointment, shall be void; nor shall any member of the General Assembly be interested, either directly or indirectly, in any contract with the State, or any county thereof, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

PUBLIC MONEYS AND APPROPRIATIONS.

SEC. 16. The General Assembly shall make no appropriation of money out of the treasury in any private law. Bills making appropriations for the pay of members and officers of the General Assembly, and for the salaries of the officers of the government, shall contain no provision on any other subject.

SEC. 17. No money shall be drawn from the treasury except in pursuance of an appropriation made by law, and on the presentation of a warrant issued by the Auditor thereon; and no money shall be diverted from any appropriation made for any purpose, or taken from any fund whatever, either by joint or separate resolution. The Auditor shall, within sixty days after the adjournment of each session of the General Assembly, prepare and publish a full statement of all money expended at such session, specifying the amount of each item, and to whom and for what paid.

SEC. 18. Each General Assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of the members elected to each house, nor exceed the amount of revenue authorized by law to be raised in such time; and all appropriations, general or special, requiring money to be paid out of the State treasury, from funds belonging to the State, shall end with such fiscal quarter: *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts, never to exceed in the aggregate two hundred and fifty thousand dollars, and money thus borrowed shall be applied to the purpose for which they were obtained, or to pay the debt thus created, and to no other purpose; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war (for payment of which the faith of the State shall be pledged), shall be contracted, unless the law authorizing the same shall, at a general election, have been submitted to the people and have received a majority of the votes cast for members of the General Assembly at such election. The General Assembly shall provide for the publication of said law for three months, at least, before the vote of the people shall be taken upon the same; and provision shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for that purpose, or from other sources of revenue; which law, providing for the payment of such interest by such tax, shall be irrepealable until such debt be paid: *And, provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 19. The General Assembly shall never grant or authorize extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the State under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

vided, the General Assembly may make appropriations for expenditures
urred in suppressing insurrection or repelling invasion.

SEC. 20. The State shall never pay, assume or become responsible for the
ts or liabilities of, or in any manner give, loan or extend its credit to, or
id of, any public or other corporation, association or individual.

PAY OF MEMBERS.

SEC. 21. The members of the General Assembly shall receive for their
vices the sum of five dollars per day, during the first session held under
Constitution, and ten cents for each mile necessarily traveled in going to
returning from the seat of government, to be computed by the Auditor
Public Accounts; and thereafter such compensation as shall be prescribed
law, and no other allowance or emolument, directly or indirectly, for any
pose whatever, except the sum of fifty dollars per session to each mem-
which shall be in full for postage, stationery, newspaper and all other
dental expenses and perquisites; but no change shall be made in the com-
sation of members of the General Assembly during the term for which
may have been elected. The pay and mileage allowed to each member of
General Assembly shall be certified by the speakers of their respective
ses, and entered on the journals, and published at the close of each session.

SPECIAL LEGISLATION PROHIBITED.

SEC. 22. The General Assembly shall not pass local or special laws in
of the following enumerated cases, that is to say: for—
Granting divorces;
Changing the names of persons or places;
Laying out, opening, altering and working roads or highways;
Vacating roads, town plats, streets, alleys, and public grounds;
Locating or changing county seats;
Regulating county and township affairs;
Regulating the practice in courts of justice;
Regulating the jurisdiction and duties of justices of the peace, police
istrates and constables;
Providing for changes of venue in civil and criminal cases;
Incorporating cities, towns or villages, or changing or amending the char-
of any town, city or village;
Providing for the election of members of the board of supervisors in
nships, incorporated towns or cities;
Summoning and impaneling grand or petit juries;
Providing for the management of common schools;
Regulating the rate of interest on money;
The opening and conducting of any election, or designating the place of
ng;
The sale or mortgage of real estate belonging to minors or others under
bility;
Protection of game or fish;
Chartering or licensing ferries or toll bridges;
Remitting fines, penalties or forfeitures;
Creating, increasing or decreasing fees, percentage or allowances of pub-
officers, during the term for which said officers are elected or appointed;
Changing the law of descent;
Granting to any corporation, association or individual the right to lay
n railroad tracks or amending existing charters for such purpose;
Granting to any corporation, association or individual any special or ex-
ive privilege, immunity or franchise whatever;
In all other cases where a general law can be made applicable, no special
shall be enacted.

SEC. 23. The General Assembly shall have no power to release or extin-
h, in whole or in part, the indebtedness, liability or obligation of any
oration or individual to this State or to any municipal corporation
rein.

IMPEACHMENT.

SEC. 24. The House of Representatives shall have the sole power of im peachment; but a majority of all the members elected must concur therein All impeachments shall be tried by the Senate; and when sitting for tha purpose, the senators shall be upon oath or affirmation to do justice accord ing to law and evidence. When the Governor of the State is tried, the Chie Justice shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected. But judgment, in such cases, shall no extend further than removal from office, and disqualification to hold any offic of honor, profit or trust under the government of this State. The party whether convicted or acquitted, shall, nevertheless, be liable to prosecution trial, judgment and punishment according to law.

MISCELLANEOUS.

SEC. 25. The General Assembly shall provide, by law, that the fuel, sta tionery and printing paper furnished for the use of the State; the copying printing, binding and distributing the laws and journals, and all other print ing ordered by the General Assembly shall be let by contract to the lowes responsible bidder; but the General Assembly shall fix a maximum price, an no member thereof, or other officer of the State, shall be interested, directl or indirectly, in such contract. But all such contracts shall be subject to th approval of the Governor, and if he disapproves the same, there shall be a reletting of the contract, in such manner as shall be prescribed by law.

SEC. 26. The State of Illinois shall never be made defendant in any cour of law or equity.

SEC. 27. The General Assembly shall have no power to authorize lotterie or gift enterprises, for any purpose, and shall pass laws to prohibit the sal of lottery or gift enterprise tickets in this State.

SEC. 28. No law shall be passed which shall operate to extend the ter of any public officer after his election or appointment.

SEC. 29. It shall be the duty of the General Assembly to pass such law as may be necessary for the protection of operative miners, by providing fo ventilation, when the same may be required, and the construction of escape ment shafts, or such other appliances as may secure safety in all coal mines and to provide for the enforcement of said laws by such penalties and pun ishment as may be deemed proper.

SEC. 30. The General Assembly may provide for establishing and ope ing roads and cartways, connected with a public road, for private and publi use.

SEC. 31. The General Assembly may pass laws permitting the owners lands to construct drains, ditches and levees for agricultural, sanitary mining purposes, across the lands of others, and provide for the organizatio of drainage districts, and vest the corporate authorities thereof with pow to construct and maintain levees, drains and ditches, and to keep in repa all drains, ditches and levees heretofore constructed under the laws of th State, by special assessments upon the property benefited thereby.[1]

SEC. 32. The General Assembly shall pass liberal homestead and exem tion laws.

SEC. 33. The General Assembly shall not appropriate out of the Sta treasury, or expend on account of the new capitol grounds, and constructio completion and furnishing of the State house, a sum exceeding in the aggr gate $3,500,000.00, inclusive of all appropriations heretofore made, witho first submitting the proposition for an additional expenditure to the leg voters of the State at a general election; nor unless a majority of all t votes cast at such election shall be for the proposed additional expenditure.

SEC. 34. The General Assembly shall have power, subject to the con tions and limitations hereinafter contained, to pass any law (local, speci or general) providing a scheme or charter of local municipal government f the territory now or hereafter embraced within the limits of the City of Ch

[1]Amendment proposed by the General Assembly of 1877, ratified on November and proclaimed adopted on November 29, 1878.

o. The law or laws so passed may provide for consolidating (in whole in part) in the municipal government of the City of Chicago, the powers vested in the city, board of education, township, park and other local ernments and authorities having jurisdiction confined to or within said itory, or any part thereof, and for the assumption by the City of Chicago the debts and liabilities (in whole or in part) of the governments or corate authorities whose functions within its territory shall be vested in said of Chicago, and may authorize said city, in the event of its becoming le for the indebtedness of two or more of the existing municipal corpotions lying wholly within said City of Chicago to become indebted to an unt (including its existing indebtedness and the indebtedness of all mupal corporations lying wholly within the limits of said city, and said city's portionate share of the indebtedness of said county, and sanitary district, ch share shall be determined in such manner as the General Assembly ll prescribe) in the aggregate not exceeding 5 per centum of the full value the taxable property within its limits, as ascertained by the last assesnt, either for State or municipal purposes previous to the incurring of h indebtedness (but no new bonded indebtedness, other than for refunding poses, shall be incurred until the proposition therefor shall be consented by a majority of the legal voters of said city voting on the question at election, general, municipal or special); and may provide for the assesnt of property and the levy and collection of taxes within said city for porate purposes in accordance with the principles of equality and uniformity scribed by this Constitution; and may abolish all offices, the functions of ch shall be otherwise provided for; and may provide for the annexation territory to or disconnection of territory from said City of Chicago by the sent of a majority of the legal voters (voting on the question at any elec-, general, municipal or special) of the said City and of a majority of the ers of such territory voting on the question at any election, general, mupal or special; and in case the General Assembly shall create municipal rts in the City of Chicago it may abolish the offices of justices of the e, police magistrates and constables in and for the territory within said , and may limit the jurisdiction of justices of the peace in the territory said County of Cook outside of said city to that territory, and in such case jurisdiction and practice of said municipal courts shall be such as the eral Assembly shall prescribe; and the General Assembly may pass all s which it may deem requisite to effectually provide a complete system of l municipal government in and for the City of Chicago.

No law based upon this amendment to the Constitution, affecting the nicipal government of the City of Chicago, shall take effect until such law ll be consented to by a majority of the legal voters of said city voting the question at any election, general, municipal or special; and no local special law based upon this amendment affecting specially any part of the of Chicago shall take effect until consented to by a majority of the legal ers of such part of said city voting on the question at any election, gen-, municipal or special. Nothing in this section contained shall be conded to repeal, amend or affect section four (4) of Article XI of the Conution of this State.[2]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a Governor, Lieunt Governor, Secretary of State, Auditor of Public Accounts, Treasurer, erintendent of Public Instruction and Attorney General, who shall each, h the exception of the Treasurer, hold his office for the term of four years n the second Monday of January next after his election and until his sucsor is elected and qualified. They shall, except the Lieutenant Governor, de at the seat of government during their term of office, and keep the

[2]Section 34 is a new section; it was proposed by the general assembly of 1903, fied on November 8, 1904, and proclaimed adopted on December 5, 1904.

public records, books and papers there, and shall perform such duties as may be prescribed by law.

SEC. 2. The Treasurer shall hold his office for the term of two years, and until his successor is elected and qualified; and shall be ineligible to said office for two years next after the end of the term for which he was elected. He may be required by the Governor to give reasonable additional security, and in default of so doing his office shall be deemed vacant.

ELECTION.

SEC. 3. An election for Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts and Attorney General shall be held on the Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter; for Superintendent of Public Instruction, on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and seventy and every two years thereafter; and for Treasurer on the day last above mentioned, and every two years thereafter, at such places and in such manner as may be prescribed by law.

SEC. 4. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the Secretary of State directed to the "Speaker of the House of Representatives," who shall immediately after the organization of the House and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall, for that purpose, assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal, and the highest number of votes, the General Assembly shall, by joint ballot, choose one of such persons for said office. Contested elections for all of said offices shall be determined by both houses of the General Assembly, by joint ballot, in such manner as may be prescribed by law.

ELIGIBILITY.

SEC. 5. No person shall be eligible to the office of Governor or Lieutenant Governor who shall not have attained the age of 30 years, and been, for five years next preceding his election, a citizen of the United States and of the State. Neither the Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Superintendent of Public Instruction, nor Attorney General shall be eligible to any other office during the period for which he shall have been elected.

GOVERNOR.

SEC. 6. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

SEC. 7. The Governor shall, at the commencement of each session and at the close of his term of office, give to the General Assembly information, by message, of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, and accompany his message with a statement of all moneys received and paid out by him from any funds subject to his order, with vouchers, and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 8. The Governor may, on extraordinary occasions, convene the General Assembly, by proclamation, stating therein the purpose for which they are convened, and the General Assembly shall enter upon no business except that for which they were called together.

SEC. 9. In case of a disagreement between the two houses with respect to the time of adjournment, the Government may, on the same being certified to him by the house first moving the adjournment, adjourn the General Assembly to such time as he thinks proper, not beyond the first day of the next regular session.

SEC. 10. The Governor shall nominate, and by and with the advice and

nsent of the Senate (a majority of all the Senators elected concurring by eas and nays), appoint all officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for; and no such officer shall be appointed or ected by the General Assembly.

SEC. 11. In case of a vacancy, during the recess of the Senate, in any ice which is not elective, the Governor shall make a temporary appointment til the next meeting of the Senate, when he shall nominate some person fill such office; and any person so nominated who is confirmed by the Sene (a majority of all the Senators elected concurring by yeas and nays), all hold his office during the remainder of the term, and until his successor all be appointed and qualified. No person, after being rejected by the Sene, shall be again nominated for the same office at the same session, unless the request of the Senate, or be appointed to the same office during the ess of the General Assembly.

SEC. 12. The Governor shall have power to remove any officer whom he y appoint, in case of incompetency, neglect of duty or malfeasance in ice; and he may declare his office vacant and fill the same as is herein ovided in other cases of vacancy.

SEC. 13. The Governor shall have power to grant reprieves, commutations d pardons, after conviction, for all offenses, subject to such regulations as y be provided by law relative to the manner of applying therefor.

SEC. 14. The Governor shall be commander-in-chief of the military and val forces of the State (except when they shall be called into the service the United States), and may call out the same to execute laws, suppress surrection and repel invasion.

SEC. 15. The Governor and all civil officers of the State shall be liable to peachment for any misdemeanor in office.

VETO.

SEC. 16. Every bill passed by the General Assembly shall, before it comes a law, be presented to the Governor. If he approve, he shall sign and thereupon it shall become a law; but if he do not approve, he shall turn it, with his objections, to the house in which it shall have originated, hich house shall enter the objections at large upon its journal and proceed reconsider the bill. If then two-thirds of the members elected agree to ss the same, it shall be sent, together with the objections, to the other use, by which it shall likewise be reconsidered; and if approved by twoirds of the members elected to that house, it shall become a law, notwithnding the objections of the Governor; but in all such cases the vote of ch house shall be determined by yeas and nays, to be entered *upon* the jourl. *Bills making appropriations of money out of the treasury shall specify e objects and purposes for which the same are made, and appropriate to em respectively their several amounts in distinct items and sections. And the Governor shall not approve any one or more of the items or sections ntained in any bill, but shall approve the residue thereof, it shall beme a law, as to the residue, in like manner as if he had signed it. The vernor shall then return the bill, with his objections to the items or tions of the same not approved by him, to the house in which the bill all have originated, which house shall enter the objections at large upon journal, and proceed to reconsider so much of said bill as is not approved the Governor. The same proceedings shall be had in both houses in considering the same as is hereinbefore provided in case of an entire bill urned by the Governor with his objections; and if any item or section of id bill not approved by the Governor shall be passed by two-thirds of the embers elected to each of the two houses of the General Assembly, it shall come part of said law, notwithstanding the objections of the Governor.* y bill which shall not be returned by the Governor within ten days undays excepted) after it shall have been presented to him, shall become a w in like manner as if he had signed it, unless the General Assembly shall their adjournment prevent its return, in which case it shall be filed with

his objections in the office of the Secretary of State, within ten days after such adjournment, or become a law.[3]

LIEUTENANT GOVERNOR.

SEC. 17. In case of the death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant Governor.

SEC. 18. The Lieutenant Governor shall be President of the Senate, and shall vote only when the Senate is equally divided. The Senate shall choose a president, *pro tempore*, to preside in case of the absence or impeachment of the Lieutenant Governor, or when he shall hold office of Governor.

SEC. 19. If there be no Lieutenant Governor, or if the Lieutenant Governor shall, for any of the causes specified in section seventeen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives.

OTHER STATE OFFICERS.

SEC. 20. If the office of Auditor of Public Accounts, Treasurer, Secretary of State, Attorney General, or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such a manner as provided by law. An account shall be kept by the officers of the executive department, and of all the public institutions of the State, of all moneys received or disbursed by them, severally, from all sources, and for every service performed, and a semi-annual report thereof be made to the Governor, under oath; and any officer who makes a false report shall be guilty of perjury, and punished accordingly.

SEC. 21. The officers of the executive department, and all the public institutions of the State, shall, at least ten days preceding each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports to the General Assembly together with the reports of the judge of the Supreme Court of defects in the Constitution and laws; and the Governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices.

THE SEAL OF STATE.

SEC. 22. There shall be a seal of the State, which shall be called the "Great Seal of the State of Illinois," which shall be kept by the Secretary of State, and used by him, officially, as directed by law.

FEES AND SALARIES.

SEC. 23. The officers named in this article shall receive for their services a salary, to be established by law, which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. And all fees that may hereafter be payable by law for any services performed by any officer provided for in this article of the Constitution, shall be paid in advance into the State treasury.

[3]Amendment proposed by the General Assembly of 1883, ratified on November 4, 1884, and proclaimed adopted on November 28, 1884. This section is identical with the original section as adopted in 1870 with the exception of the part between the asterisks (*--*) and the substitution of the italicized word *upon* for the word "on."

DEFINITIONS AND OATH OF OFFICE.

SEC. 24. An office is a public position created by the Constitution or law, ntinuing during the pleasure of the appointing power, or for a fixed time, ith a successor elected or appointed. An employment is an agency, for a mporary purpose, which ceases when that purpose is accomplished.

SEC. 25. All civil officers, except members of the General Assembly and ch inferior officers as may be by law exempted, shall, before they enter on e duties of their respective offices, take and subscribe the following oath affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support e constitution of the United States and the constitution of the State of linois, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SEC. 1. The judicial powers, except as in this article is otherwise pro- ded, shall be vested in one Supreme Court, circuit courts, county courts, stices of the peace, police magistrates, and in such courts as may be created law in and for cities and incorporated towns.

SUPREME COURT.

SEC. 2. The Supreme Court shall consist of seven judges, and shall have iginal jurisdiction in cases relating to the revenue, in *mandamus* and *beas corpus*, and appellate jurisdiction in all other cases. One of said dges shall be Chief Justice; four shall constitute a quorum, and the con- rrence of four shall be necessary to every decision.

SEC. 3. No person shall be eligible to the office of judge of the Supreme ourt unless he shall be at least thirty years of age, and a citizen of the nited States, nor unless he shall have resided in this State five years next receding his election, and be a resident of the district in which he shall be ected.

SEC. 4. Terms of the Supreme Court shall continue to be held in the esent grand divisions at the several places now provided for holding the me; and until otherwise provided by law, one or more terms of said court all be held, for the Northern division, in the city of Chicago each year, such times as said court may appoint, whenever said city or the county Cook shall provide appropriate rooms therefor, and the use of a suitable rary, without expense to the State. The judicial divisions may be altered, creased or diminished in number, and the times and places of holding said urt may be changed by law.

SEC. 5. The present grand division shall be preserved, and be denomi- ted Southern, Central and Northern, until otherwise provided by law. The ate shall be divided into seven districts for the election of judges, and, until herwise provided by law, they shall be as follows:

First District—The counties of St. Clair, Clinton, Washington, Jefferson, ayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, onroe, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Union, Alexan- r, Pulaski and Massac.

Second District—The counties of Madison, Bond, Marion, Clay, Richland, wrence, Crawford, Jasper, Effingham, Fayette, Montgomery, Macoupin, elby, Cumberland, Clark, Greene, Jersey, Calhoun and Christian.

Third District—The counties of Sangamon, Macon, Logan, DeWitt, Piatt, uglas, Champaign, Vermilion, McLean, Livingston, Ford, Iroquois, Coles, lgar, Moultrie and Tazewell.

Fourth District—The counties of Fulton, McDonough, Hancock, Schuyler, own, Adams, Pike, Mason, Menard, Morgan, Cass and Scott.

Fifth District—The counties of Knox, Warren, Henderson, Mercer, Henry, Stark, Peoria, Marshall, Putnam, Bureau, LaSalle, Grundy and Woodford.

Sixth District—The counties of Whiteside, Carroll, Jo Daviess, Stephenson, Winnebago, Boone, McHenry, Kane, Kendall, DeKalb, Lee, Ogle and Rock Island.

Seventh District—The counties of Lake, Cook, Will, Kankakee and DuPage.

The boundaries of the districts may be changed at the session of the General Assembly next preceding the election of judges therein, and at no other time; but whenever such alterations shall be made the same shall be upon the rule of equality of population, as nearly as county boundaries will allow, and the districts shall be composed of contiguous counties, in as nearly compact form as circumstances will permit. The alteration of the districts shall not affect the tenure of office of any judge.

SEC. 6. At the time of voting on the adoption of this Constitution, one judge of the Supreme Court shall be elected by the electors thereof, in each of said districts numbered two, three, six and seven, who shall hold his office for the term of nine years from the first Monday of June, in the year of our Lord one thousand eight hundred and seventy. The term of office of judges of the Supreme Court, elected after the adoption of this Constitution, shall be nine years, and on the first Monday of June of the year in which the term of any of the judges in office at the adoption of this Constitution, or of the judges then elected, shall expire, and every nine years thereafter, there shall be an election for the successor or successors of such judges in the respective districts wherein the term of such judges shall expire. The Chief Justice shall continue to act as such until the expiration of the term for which he was elected, after which the judges shall choose one of their number Chief Justice.

SEC. 7. From and after the adoption of this Constitution, the judges of the Supreme Court shall each receive a salary of four thousand dollars per annum, payable quarterly, until otherwise provided by law. And after said salaries shall be fixed by law, the salaries of the judges in office shall not be increased or diminished during the terms for which said judges shall have been elected.

SEC. 8. Appeals and writs of error may be taken to the Supreme Court held in the grand division in which the case is decided, or by consent of the parties, to any other grand division.

SEC. 9. The Supreme Court shall appoint one reporter of its decisions, who shall hold his office for six years, subject to removal by the court.

SEC. 10. At the time of the election of Representatives in the General Assembly, happening next preceding the expiration of the terms of office of the present clerks of said court, one clerk of said court for each division shall be elected, whose term of office shall be six years from said election, but who shall not enter upon the duties of his office until the expiration of the terms of his predecessor, and every six years thereafter one clerk of said court for each division shall be elected.

APPELLATE COURT.

SEC. 11. After the year of our Lord one thousand eight hundred and seventy-four, inferior appellate courts, of uniform organization and jurisdiction, may be created in districts formed for that purpose, to which such appeals and writs of error as the General Assembly may provide, may be prosecuted from circuit and other courts, and from which appeals and writs of error shall lie to the Supreme Court, in all criminal cases, and cases in which a franchise, or freehold, or the validity of a statute is involved, and in such other cases as may be provided by law. Such appellate courts shall be held by such number of judges of the circuit courts, and at such times and places, and in such manner as may be provided by law; but no judge shall sit in review upon cases decided by him; nor shall said judges receive any additional compensation for such services.

CIRCUIT COURT.

SEC. 12. The circuit courts shall have original jurisdiction of all causes in law and equity, and such appellate jurisdiction as is or may be provided by law, and shall hold two or more terms each year in every county. The terms of office of judges of circuit courts shall be six years.

SEC. 13. The State, exclusive of the county of Cook and other counties having a population of 100,000, shall be divided into judicial circuits, prior to the expiration of the terms of office of the present judges of the circuit courts. Such circuits shall be formed of contiguous counties, in as nearly compact form and as nearly equal as circumstances will permit, having due regard to business, territory and population, and shall not exceed in number one circuit for every 100,000 of population of the State. One judge shall be elected for each of said circuits by the electors thereof. New circuits may be formed and the boundaries of circuits changed by the General Assembly, at its session next preceding the election for circuit judges, but at no other time: *Provided*, that the circuits may be equalized or changed at the first session of the General Assembly after the adoption of this Constitution. The creation, alteration or change of any circuit shall not affect the tenure of office of any judge. Whenever the business of the circuit court of any one, or of two or more contiguous counties, containing a population exceeding 60,000, shall occupy nine months of the year, the General Assembly may make of such county, or counties, a separate circuit. Whenever additional circuits are created, the foregoing limitations shall be observed.

SEC. 14. The General Assembly shall provide for the times of holding court in each county; which shall not be changed, except by the General Assembly next preceding the general election for judges of said courts; but additional terms may be provided for in any county. The election for judges of the circuit courts shall be held on the first Monday in June in the year of our Lord one thousand eight hundred and seventy-three, and every six years thereafter.

SEC. 15. The General Assembly may divide the State into judicial circuits of greater population and territory, in lieu of the circuits provided for in section 13 of this article, and provide for the election therein, severally, by the electors thereof, by general ticket, of not exceeding four judges, who shall hold the circuit courts in the circuit for which they shall be elected, in such manner as may be provided by law.

SEC. 16. From and after the adoption of this Constitution, judges of the circuit courts shall receive a salary of $3,000.00 per annum, payable quarterly until otherwise provided by law, and after their salaries shall be fixed by law they shall not be increased or diminished during the terms for which said judges shall be, respectively, elected; and from and after the adoption of this Constitution, no judge of the Supreme or circuit court shall receive any other compensation, perquisite or benefit, in any form whatsoever, nor perform any other than judicial duties to which may belong any emoluments.

SEC. 17. No person shall be eligible to the office of judge of the circuit or any inferior court, or to membership in the "board of county commissioners," unless he shall be at least twenty-five years of age and a citizen of the United States, nor unless he shall have resided in this State five years next preceding his election, and be a resident of the circuit, county, city, cities or incorporated town in which he shall be elected.

COUNTY COURTS.

SEC. 18. There shall be elected in and for each county one county judge and one clerk of the county court, whose term of office shall be four years. But the General Assembly may create districts of two or more contiguous counties, in each of which shall be elected one judge, who shall take the place of and exercise the powers and jurisdiction of county judges in such districts. County courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, appointment of guardians and conservators and settlement of their ac-

counts, in all matters relating to apprentices, and in proceedings for the collection of taxes and assessments, and such other jurisdiction as may be provided for by general law.

SEC. 19. Appeals and writs of error shall be allowed from final determinations of county courts, as may be provided by law.

PROBATE COURTS.

SEC. 20. The General Assembly may provide for the establishment of a probate court in each county having a population of over 50,000, and for the election of a judge thereof, whose term of office shall be the same as that of the county judge, and who shall be elected at the same time and in the same manner. Said courts, when established, shall have original jurisdiction of all probate matters, the settlement of estates of deceased persons, the appointment of guardians and conservators, and settlement of their accounts; in all matters relating to apprentices, and in cases of sales of real estate of deceased persons for the payment of debts.

JUSTICES OF THE PEACE AND CONSTABLES.

SEC. 21. Justices of the peace, police magistrates and constables shall be elected in and for such districts as are, or may be provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

STATE'S ATTORNEYS.

SEC. 22. At the election for members of the General Assembly in the year of our Lord one thousand eight hundred and seventy-two, and every four years thereafter, there shall be elected a State's attorney in and for each county, in lieu of the State's attorneys now provided by law, whose term of office shall be four years.

COURTS OF COOK COUNTY.

SEC. 23. The county of Cook shall be one judicial circuit. The circuit court of Cook County shall consist of five judges, until their number shall be increased as herein provided. The present judge of the recorder's court of the city of Chicago, and the present judge of the circuit court of Cook county, shall be two of said judges, and shall remain in office for the terms for which they were respectively elected, and until their successors shall be elected and qualified. The superior court of Chicago shall be continued, and called the "Superior Court of Cook County." The General Assembly may increase the number of said judges, by adding one to either of said courts for every additional fifty thousand inhabitants in said county over and above a population of four hundred thousand. The terms of office of the judges of said courts, hereafter elected, shall be six years.

SEC. 24. The judge having the shortest unexpired term shall be Chief Justice of the court of which he is a judge. In case there are two or more whose terms expire at the same time, it may be determined by lot which shall be Chief Justice. Any judge of either of said courts shall have all the powers of a circuit judge, and may hold the court of which he is a member. Each of them may hold a different branch thereof at the same time.

SEC. 25. The judges of the superior and circuit courts, and the State's attorney, in said county, shall receive the same salaries, payable out of the State treasury, as is or may be paid from said treasury to the circuit judges and State's attorneys of the State, and such further compensation, to be paid by the county of Cook, as is or may be provided by law. Such compensation shall not be changed during their continuance in office.

SEC. 26. The recorder's court of the city of Chicago shall be continued, and shall be called the "Criminal Court of Cook County." It shall have the jurisdiction of a circuit court in all cases of criminal and *quasi* criminal nature, arising in the county of Cook, or that may be brought before said court pursuant to law; and all recognizances and appeals taken in said county, in

riminal and *quasi* criminal cases shall be returnable and taken to said court. shall have no jurisdiction in civil cases, except in those on behalf of the eople, and incident to such criminal or *quasi* criminal matters, and to dis- ose of unfinished business. The terms of said criminal court of Cook county all be held by one or more of the judges of the circuit or superior court of ook county, as nearly as may be in alternation, as may be determined by said dges, or provided by law. Said judges shall be *ex-officio* judges of said ourt.

SEC. 27. The present clerk of the recorder's court of the city of Chicago all be the clerk of the criminal court of Cook county during the term of hich he was elected. The present clerks of the superior court of Chicago, nd the present clerk of the circuit court of Cook county, shall continue in ffice during the terms for which they were respectively elected; and there- fter there shall be but one clerk of the superior court, to be elected by the ualified electors of said county, who shall hold his office for the term of our years, and until his successor is elected and qualified.

SEC. 28. All justices of the peace in the city of Chicago shall be appointed the Governor, by and with the advice and consent of the Senate (but only on the recommendation of a majority of the judges of the circuit, superior nd county courts), and for such districts as are now or shall hereafter be rovided by law. They shall hold their office for four years, and until their uccessors have been commissioned and qualified, but they may be removed summary proceeding in the circuit or superior court, for extortion or her malfeasance. Existing justices of the peace and police magistrates ay hold their offices until the expiration of their respective terms.

GENERAL PROVISIONS.

SEC. 29. All judicial officers shall be commissioned by the Governor. All ws relating to courts shall be general and of uniform operation, and the rganization, jurisdiction, powers, proceedings and practice of all courts of e same class or grade, so far as regulated by law, and the force and effect the process, judgments and decrees of such courts, severally, shall be niform.

SEC. 30. The General Assembly may, for cause entered on the journals, on due notice and opportunity of defense, remove from office any judge, on concurrence of three-fourths of all the members elected, of each house. l other officers in this article mentioned shall be removed from office on rosecution and final conviction for misdemeanor in office.

SEC. 31. All judges of courts of record, inferior to the Supreme Court, shall, or before the first day of June of each year, report in writing to the dges of the Supreme Court such defects and omissions in the laws as their perience may suggest; and the judges of the Supreme Court shall, on or fore the first day of January of each year, report in writing to the Governor ch defects and omissions in the Constitution and laws as they may find to ist, together with appropriate forms of bills to cure such defects and issions in the laws. And the judges of the several circuit courts shall port to the next General Assembly the number of days they have held court the several counties composing their respective circuits, the preceding two ars.

SEC. 32. All officers provided for in this article shall hold their offices until eir successors shall be qualified, and they shall respectively, reside in the vision, circuit, county or district for which they may be elected or ap- inted. The terms of office of all such officers, where not otherwise pre- ribed in this article, shall be four years. All officers, where not otherwise ovided for in this article, shall perform such duties and receive such com- nsation as is or may be provided by law. Vacancies in such elective offices all be filled by election; but where the unexpired term does not exceed one ar the vacancy shall be filled by appointment, as follows: Of judges, by the overnor; of clerks of courts, by the court to which the office appertains, by the judge or judges thereof; and of all such other offices, by the board

of supervisors, or board of county commissioners, in the county where the vacancy occurs.

SEC. 33. All process shall run: *In the name of the People of the State of Illinois;* and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois;* and conclude: *Against the peace and dignity of the same.* "Population," whenever used in this article, shall be determined by the next preceding census of this State or of the United States.

ARTICLE VII.

SUFFRAGE.

SEC. 1. Every person having resided in this State one year, in the county ninety days and in the election district thirty days next preceding any election therein; who was an elector in this State on the first day of April, in the year of our Lord, one thousand eight hundred and forty-eight, or obtained a certificate of naturalization, before any court of record in this State, prior to the first day of January, in the year of our Lord, one thousand eight hundred and seventy, or who shall be a male citizen of the United States, above the age of 21 years, shall be entitled to vote at such election.

SEC. 2. All votes shall be by ballot.

SEC. 3. Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be required to do military duty on the days of election, except in time of war or public danger.

SEC. 4. No elector shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State, or in the military or naval service of the United States.

SEC. 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed therein.

SEC. 6. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding the election or appointment.

SEC. 7. The General Assembly shall pass laws excluding from the right of suffrage persons convicted of infamous crimes.

ARTICLE VIII.

EDUCATION.

SEC. 1. The General Assembly shall provide a thorough and efficient system of free schools whereby all children of this State may receive a good common school education.

SEC. 2. All lands, moneys, or other property, donated, granted or received for school, college, seminary or university purposes, and the proceeds thereof shall be faithfully applied to the objects for which such gifts or grants were made.

SEC. 3. Neither the General Assembly nor any county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money or other personal property ever be made by the State or any such public corporation to any church or for any sectarian purpose.

SEC. 4. No teacher, State, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used in any school in this State, with which such officer

eacher may be connected, under such penalties as may be provided by the eral Assembly.

SEC. 5. There may be a county superintendent of schools in each county. se qualifications, powers, duties, compensation and time and manner of tion and term of office shall be prescribed by law.

ARTICLE IX.

REVENUE.

SEC. 1. The General Assembly shall provide such revenue as may be need- by levying a tax, by valuation, so that every person and corporation shall a tax in proportion to the value of his, her or its property—such value to ascertained by some person or persons to be elected or appointed in such nner as the General Assembly shall direct, and not otherwise; but the eral Assembly shall have power to tax peddlers, auctioneers, brokers, kers, merchants, commission merchants, showmen, jugglers, inn-keepers, ery-keepers, liquor dealers, toll-bridges, ferries, insurance, telegraph and ress interests or business, venders of patents and persons or corporations ing or using franchises and privileges, in such manner as it shall from e to time direct by general law, uniform as to the class upon which it ates.

SEC. 2. The specification of the objects and subjects of taxation shall not ive the General Assembly of the power to require other subjects or objects e taxed, in such manner as may be consistent with the principles of taxa- fixed in this Constitution.

SEC. 3. The property of the State, counties, and other municipal corpora- s, both real and personal, and such other property as may be used ex- ively for agricultural and horticultural societies, for school, religious, ceme- and charitable purposes, may be exempted from taxation; but such ex- tion shall be only by general law. In the assessment of real estate in- bered by public easement, any depreciation occasioned by such easement be deducted in the valuation of such property.

SEC. 4. The General Assembly shall provide, in all cases where it may be ssary to sell real estate for the non-payment of taxes or special assess- ts, for State, county, municipal or other purposes, that a return of such id taxes or assessments shall be made to some general officer of the nty having authority to receive State and county taxes; and there shall o sale of said property for any of said taxes or assessments but by said er, upon the order of judgment of some court of records.

SEC. 5. The right of redemption from all sales of real estate for the non- ment of taxes or special assessments of any character whatever, shall in favor of owners and persons interested in such real estate for a od of not less than two years from such sales thereof. And the General mbly shall provide, by law, for reasonable notice to be given to the ers or parties interested, by publication or otherwise, of the fact of the of the property for such taxes or assessments, and when the time of re- ption shall expire: *Provided*, that occupants shall in all cases be served personal notice before the time of redemption expires.

SEC. 6. The General Assembly shall have no power to release or discharge county, city, township, town or district whatever, or the inhabitants there- or the property therein, from their or its proportionate share of taxes to ied for State purposes, nor shall commutation for such taxes be author- in any form whatsoever.

SEC. 7. All taxes levied for State purposes shall be paid into the State sury.

SEC. 8. County authorities shall never assess taxes the aggregate of which exceed seventy-five cents per one hundred dollars valuation except for payment of indebtedness existing at the adoption of this constitution, ss authorized by a vote of the people of the county.

SEC. 9. The General Assembly may vest the corporate authorities of cities,

towns and villages with power to make local improvements by special assessment or by special taxation of contiguous property or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same.

SEC. 10. The General Assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof, for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

SEC. 11. No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office shall be increased or diminished during such term.

SEC. 12. No county, city, township, school district or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, school district or other municipal corporation incurring any indebtedness as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest of such debt as it fails due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

SEC. 13. The corporate authorities of the city of Chicago are hereby authorized to issue interest bearing bonds of said city to an amount not exceeding five million dollars, at a rate of interest not to exceed five per centum per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the treasurer of the World's Columbian Exposition, and used and disbursed by him under the direction and control of the directors, in aid of the World's Columbian Exposition to be held in the city of Chicago, in pursuance of an Act of Congress of the United States.

Provided, that if at any election for the adoption of this amendment to the constitution a majority of the votes cast within the limits of the city of Chicago shall be against its adoption, then no bonds shall be issued under this amendment.

And said corporate authorities shall be repaid as large a proportionate amount of the aid given by them as is repaid to the stockholders on the sums subscribed and paid by them, and the money so received shall be used in the redemption of the bonds issued as aforesaid, provided that said authorities may take in whole or in part of the sum coming to them any permanent improvements placed on land held or controlled by them.

And, provided further, that no such indebtedness so created shall in any part thereof be paid by the State, or from any State revenue, tax or fund, but the same shall be paid by the said city of Chicago alone.[4]

[Proposed Section 14].[5]

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[4]Amendment proposed by the general assembly of 1890, ratified on November 4, 1890; a majority of the votes cast within the limits of the city of Chicago were cast in favor of the adoption of this amendment, and it was proclaimed by the governor on November 29, 1890.

[5]The general assembly of 1915 adopted and proposed amendment to Article X

ARTICLE X.

COUNTIES.

SEC. 1. No new county shall be formed or established by the General ssembly which will reduce the county or counties, or either of them, from ich it shall be taken to less contents than four hundred square miles; r shall any county be formed of less contents; nor shall any line thereof ss within less than ten miles of any county seat of the county or coun- s proposed to be divided.

SEC. 2. No county shall be divided, or have any part stricken therefrom thout submitting the question to a vote of the people of the county, nor less a majority of all the legal voters of the county voting on the ques- n shall vote for the same.

SEC. 3. There shall be no territory stricken from any county unless a jority of the voters living in such territory shall petition for such divi- n; and no territory shall be added to any county without the consent of e majority of the voters of the county to which it is proposed to be added. it the portion so stricken off and added to another county, or formed in nole or in part into a new county, shall be holden for and obliged to pay proportion of the indebtedness of the county from which it has been taken.

COUNTY SEATS.

SEC. 4. No county seat shall be removed until the point to which it is pro- sed to remove shall be fixed in pursuance of law, and three-fifths of the ters of the county, to be ascertained in such manner as shall be provided general law, shall have voted in favor of its removal to such point; and person shall vote on such question who has not resided in the county months and in the election precinct ninety days next preceding such elec- n. The question of the removal of a county seat shall not be oftener sub- tted than once in ten years to a vote of the people. But when an attempt made to remove a county seat to a point nearer to the center of the county, en a majority vote shall be necessary.

COUNTY GOVERNMENT.

SEC. 5. The General Assembly shall provide, by general law, for township ganization, under which any county may organize whenever a majority the legal voters of such county, voting at any general election, shall so termine; and whenever any county shall adopt township organization, so uch of this constitution as provides for the management of the fiscal con- rns of the said county by the board of county commissioners, may be dis- nsed with, and the affairs of said county may be transacted in such manner the General Assembly may provide. And in any county that shall have dopted a township organization, the question of continuing the same may submitted to a vote of the electors of such county, at a general election, the manner that now is or may be provided by law; and if a majority all the votes cast upon that question shall be against township organiza- on, then such organization shall cease in said county; and all laws in force relation to counties not having township organization shall immediately

ction 14 providing for the classification of property for purposes of taxation: this mendment was submitted to the electors at the general election of November 7, 16, and the vote polled thereon was 656,298 in favor to 295,782 against. How- er, the affirmative vote cast was not a majority of the votes cast at the election. t it was a majority of the vote cast for members of the general assembly. Under ese circumstances it is doubtful whether the amendment was actually ratified, d a test case to decide this point is now pending in the supreme court. The xt of the proposed amendment is as follows: Sec. 14. From and after the date hen this section shall be in force the powers of the General Assembly over the ubject-matter of the taxation of personal property shall be as complete and un- stricted as they would if sections one (1), three (3), nine (9), and ten (10) of his article of the Constitution did not exist: Provided, however, that any tax levied pon personal property must be uniform as to persons and property of the same lass within the jurisdiction of the body imposing the same, and all exemptions rom taxation shall be by general law, and shall be revocable by the General ssembly at any time.

take effect and be in force in such county. No two townships shall have the same name, and the day of holding the annual township meeting shall be uniform throughout the Statae.

SEC. 6. At the first election of county judges under this constitution, there shall be elected in each of the counties in this State not under township organization, three officers, who shall be styled, "The Board of County Commissioners," who shall hold sessions for the transaction of county business as shall be provided by law. One of said commissioners shall hold his office for one year, one for two years and one for three years, to be determined by lot; and every year thereafter one such officer shall be elected in each of said counties for the term of three years.

SEC. 7. The county affairs of Cook county shall be managed by a board of commissioners of fifteen persons, ten of whom shall be elected from the city of Chicago and five from towns outside of said city, in such manner as may be provided by law.

COUNTY OFFICERS AND THEIR COMPENSATION.

SEC. 8. In each county there shall be elected the following county officers, at the general election to be held on the Tuesday after the first Monday in November, A. D. 1882: A county judge, county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November, A. D. 1884, a coroner and clerk of the circuit court (who may be *ex officio* recorder of deeds, except in counties having 60,000 or more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884). Each of said officers shall enter upon the duties of his office, respectively, on the first Monday of December after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified: *Provided*, that no person having once been elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.[6]

SEC. 9. The clerks of all courts of record, the treasurer, sheriff, coroner and recorder of deeds of Cook county, shall receive as their only compensation for their services, salaries to be fixed by law, which shall in no case be as much as the lawful compensation of a judge of the circuit court of said county and shall be paid respectively only out of the fees of the office actually collected. All fees, perquisites and emoluments (above the amount of said salaries) shall be paid into the county treasury. The number of the deputies and assistants of such officers shall be determined by rule of the circuit court, to be entered of record, and their compensation shall be determined by the county board.

SEC. 10. The county board, except as provided in section nine of this article, shall fix the compensation of all county officers, with the amount of their necessary clerk hire, stationery, fuel and other expenses, and in all cases where fees are provided for, said compensation shall be paid only out of, and shall in no instance exceed, the fees actually collected; they shall not allow either of them more per annum than fifteen hundred dollars, in counties not exceeding twenty thousand inhabitants; two thousand dollars, in counties containing twenty thousand and not exceeding thirty thousand inhabitants; twenty-five hundred dollars, in counties containing thirty thousand and not exceeding fifty thousand inhabitants; three thousand dollars, in counties containing fifty thousand and not exceeding seventy thousand inhabitants; thirty-five hundred dollars, in counties containing seventy thousand and not exceeding one hundred thousand inhabitants; and four thousand dollars, in counties containing over one hundred thousand, and not exceeding two hundred and fifty thousand inhabitants; and not more than one thousand dollars additional compensation for each additional one hundred thousand inhabitants: *Provided*, that the compensation of no officer shall be increased or diminished

[6]Amendment proposed by the general assembly of 1879, ratified on November 2, 1880, and proclaimed ratified on November 22, 1880.

ing his term of office. All fees or allowances by them received, in excess heir said compensation, shall be paid into the county treasury.

SEC. 11. The fees of township officers, and of each class of county officers, l be uniform in the class of counties to which they respectively belong. compensation herein provided for shall apply only to officers hereafter ted, but all fees established by special laws shall cease at the adoption of Constitution, and such officers shall receive only such fees as are pro- d by general law.

SEC. 12. All laws fixing the fees of State, county and township officers shall inate with the terms respectively of those who may be in office at the fing of the first General Assembly after the adoption of this Constitution: the General Assembly shall, by general law, uniform in its operation, ride for and regulate the fees of said officers and their successors, so to reduce the same to a reasonable compensation for services actually dered. But the General Assembly may, by general law, classify the counties population into not more than three classes and regulate the fees ac- ding to class. This article shall not be construed as depriving the General embly of the power to reduce the fees of existing officers.

SEC. 13. Every person who is elected or appointed to any office in this e, who shall be paid in whole or in part by fees, shall be required by law nake a semi-annual report, under oath, to some officer to be designated by of all his fees and emoluments.

ARTICLE XI.

CORPORATIONS.

SECTION 1. No corporation shall be created by special laws, or its charter nded, changed or amended, except those for charitable, educational, penal reformatory purposes, which are to be and remain under the patronage control of the State, but the General Assembly shall provide, by general , for the organization of all corporations hereafter to be created.

SEC. 2. All existing charters or grants of special or exclusive privileges, r which organization shall not have taken place, or which shall not have in operation within ten days from the time this constitution takes effect, l thereafter have no validity or effect whatever.

SEC. 3. The General Assembly shall provide, by law, that in all elections directors or managers of incorporated companies, every stockholder shall the right to vote, in person or by proxy, for the number of shares of k owned by him, for as many persons as there are directors or managers e elected, or to cumulate said shares, and give one candidate as many s as the number of directors multiplied by the number of his shares of k shall equal, or to distribute them on the same principal among as many lidates as he shall think fit; and such directors or managers shall not be ted in any other manner.

SEC. 4. No law shall be passed by the General Assembly granting the right onstruct and operate a street railroad within any city, town or incorpo- l village, without requiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street road.

BANKS.

SEC. 5. No State bank shall hereafter be created, nor shall the State own e liable for any stock in any corporation or joint stock company or asso- on for banking purposes now created, or to be hereafter created. No Act he General Assembly authorizing or creating corporations or associations banking powers, whether of issue, deposit or discount, nor amendments eto, shall go into effect or in any manner be in force, unless the same l be submitted to a vote of the people at the general election next suc- ing the passage of the same, and be approved by a majority of all the s cast at such election for or against such law.

SEC. 6. Every stockholder in a banking corporation or institution shall b individually responsible and liable to its creditors, over and above the amoun of stock by him or her held, to an amount equal to his or her respectiv shares so held, for all its liabilities accruing while he or she remains suc stockholder.

SEC. 7. The suspension of specie payments by banking institutions, on thei circulation, created by the laws of this State, shall never be permitted o sanctioned. Every banking association now, or which may hereafter be organized under the laws of this State, shall make and publish a full an accurate quarterly statement of its affairs (which shall be certified to, unde oath, by one or more of its officers) as may be provided by law.

SEC. 8. If a general banking law shall be enacted, it shall provide for th registry and countersigning, by an officer of State, of all bills or paper credi designed to circulate as money, and require security, to the full amount there of, to be deposited with the State Treasurer, in United States or Illinois Stat stocks, to be rated at 10 per cent below their par value; and in case of a de preciation of said stocks to the amount of ten per cent below par, the ban or banks owning said stocks shall be required to make up said deficiency b depositing additional stocks. And said law shall also provide for the record ing of the names of all stockholders in such corporations, the amount of stoc held by each, the time of any transfer thereof, and to whom such transfe is made.

RAILROADS.

SEC. 9. Every railroad corporation organized or doing business in thi State, under the laws or authority thereof, shall have and maintain a publi office or place in this State for the transaction of its business, where trans fers of stock shall be made, and in which shall be kept for public inspectio books in which shall be recorded the amount of capital stock subscribed, an by whom; the names of the owners of its stock, and the amounts owned b them respectively; the amount of stock paid in, and by whom; the tranfe of said stock, the amount of its assets and liabilities, and the names an place of residence of its officers. The directors of every railroad corporatio shall annually make a report, under oath, to the Auditor of Public Account or some officer to be designated by law, of all their acts and doings, whic report shall include such matters relating to railroads as may be prescribe by law. And the General Assembly shall pass laws enforcing by suitabl penalties the provisions of this section.

SEC. 10. The rolling stock, and all other movable property belonging to an railroad company or corporation in this State, shall be considered person property, and shall be liable to execution and sale in the same manner a the personal property of individuals, and the General Assembly shall pass n law exempting any such property from execution and sale.

SEC. 11. No railroad corporation shall consolidate its stock, property o franchises with any other railroad corporation owning a parallel or compe ing line; and in no case shall any consolidation take place except upon publi notice given, of at least 60 days, to all stockholders, in such manner as ma be provided by law. A majority of the directors of any railroad corporatio now incorporated or hereafter to be incorporated by the laws of this stat shall be citizens and residents of this State.

SEC. 12. Railways, heretofore constructed or that may hereafter be co structed in this State, are hereby declared public highways, and shall be fre to all persons for the transportation of their persons and property thereo under such regulations as may be prescribed by law and the Genera Assembly shall, from time to time, pass laws establishing reasonable max mum rates of charges for the transportation of passengers and freight on th different railroads in this State.

SEC. 13. No railroad corporation shall issue any stock or bonds, excep for money, labor or property actually received and applied to the purposes fo which such corporation was created; and all stock dividends, and other fictitiou increase of capital stock or indebtedness of any such corporations, shall b

l. The capital stock of no railroad corporation shall be increased for any pose, except upon giving sixty days public notice, in such manner as may provided by law.

SEC. 14. The exercise of power and the right of eminent domain shall er be so construed or abridged as to prevent the taking, by the General embly, of the property and franchises of incorporated companies already nized, and subjecting them to the public necessity the same as of indi- uals. The right of trial by jury shall be held inviolate in all trials of ms for compensation, when, in the exercise of the said right of eminent ain, any incorporated company shall be interested either for or against the cise of said right.

SEC. 15. The General Assembly shall pass laws to correct abuses and pre- unjust discrimination and extortion in the rates of freight and passen- tariffs on the different railroads in this State, and enforce such laws by uate penalties, to the extent, if necessary for that purpose, of forfeiture heir property and franchises.

ARTICLE XII.

MILITIA.

SEC. 1. The militia of the State of Illinois shall consist of all able-bodied persons, resident in the State, between the ages of 18 and 45, except persons as now are or hereafter may be exempted by the laws of the ted States or of this State.

SEC. 2. The General Assembly, in providing for the organization, equip- t and discipline of the militia, shall conform as nearly as practicable to regulations for the government of the armies of the United States.

SEC. 3. All militia officers shall be commissioned by the Governor, and hold their commissions for such time as the General Assembly may ride.

SEC. 4. The militia shall, in all cases except treason, felony or breach of peace, be privileged from arrest during their attendance at musters and tions, and in going to and returning from the same.

SEC. 5. The military records, banners and relics of the State shall be pre- ed as an enduring memorial of the patriotism and valor of Illinois, and hall be the duty of the General Assembly to provide by law for the safe- ping of the same.

SEC. 6. No persons having conscientious scruples against bearing arms l be compelled to do militia duty in the time of peace: *Provided*, such on shall pay an equivalent for such exemption.

ARTICLE XIII.

WAREHOUSES.

SEC. 1. All elevators or storehouses where grain or other property is ed for a compensation, whether the property stored be kept separate or are declared to be public warehouses.

SEC. 2. The owner, lessee or manager of each and every public warehouse ated in any town or city of not less than 100,000 inhabitants, shall make kly statements under oath, before some officer to be designated by law, keep the same posted in some conspicuous place in the office of such rehouse, and shall also file a copy for public examination in such place as l be designated by law, which statement shall correctly set forth the unt and grade of each and every kind of grain in such warehouse, to- er with such other property as may be stored therein, and what ware- se receipts have been issued, and are, at the time of making such state- t, outstanding therefor; and shall, on the copy posted in the warehouse, daily such changes as may be made in the quantity and grade of grain uch warehouse; and the different grades of grain shipped in separate lots

shall not be mixed with inferior or superior grades without the consent of th owner or consignee thereof.

SEC. 3. The owners of property stored in any warehouse, or holder of receipt for the same, shall always be at liberty to examine such propert stored, and all the books and records of the warehouse, in regard to suc property.

SEC. 4. All railroad companies and other common carriers on railroad shall weigh or measure grain at points where it is shipped and receipt fo the full amount, and shall be responsible for the delivery of such amoun to the owner or consignee thereof, at the place of destination.

SEC. 5. All railroad companies receiving and transporting grain in bulk o otherwise, shall deliver the same to any consignee thereof, or any elevato or public warehouse to which it may be consigned, provided such consigne or the elevator or public warehouse can be reached by any track owne leased or used, or which can be used, by such railroad companies; and a railroad companies shall permit connections to be made with their track, s that any such consignee and any public warehouse, coal bank or coal yar may be reached by the cars on said railroad.

SEC. 6. It shall be the duty of the General Assembly to pass all necessar laws to prevent the issue of false and fraudulent warehouse receipts, and t give full effect to this article of the Constitution, which shall be liberall construed so as to protect producers and shippers. And the enumeration o the remedies herein named shall not be construed to deny to the Genera Assembly the power to prescribe by law such other and further remedies a may be found expedient, or to deprive any person of existing common la remedies.

SEC. 7. The General Assembly shall pass laws for the inspection of grai for the protection of producers, shippers and receivers of grain and produc

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

SEC. 1. Whenever two-thirds of the members of each house of the Genera Assembly shall, by a vote entered upon the journals thereof, concur that convention is necessary to revise, alter or amend the Constitution, the que tion shall be submitted to the electors at the next general election. If majority voting at the election vote for a convention, the General Assembl shall, at the next session, provide for a convention, to consist of double th number of members of the Senate, to be elected in the same manner, at th same places and in the same districts. The General Assembly shall, in th Act calling the convention, designate the day, hour and place of its meetin fix the pay of its members and officers, and provide for the payment of th same, together with the expenses necessarily incurred by the convention i the performance of its duties. Before proceeding, the members shall take a oath to support the constitution of the United States and the State of Illinoi and to faithfully discharge their duties as members of the convention. Th qualification of members shall be the same as that of members of the Senat and vacancies occurring shall be filled in the manner provided for filli vacancies in the General Assembly. Said convention shall meet within thr months after such election and prepare such revision, alteration or amendme of the Constitution as shall be deemed necessary, which shall be submitte to the electors for their ratification or rejection at an election appointed b the convention for that purpose, not less than two or more than six mont after the adjournment thereof; and unless so submitted and approved by majority of the electors voting at the election, no such revision, alteration amendments shall take effect.

SEC. 2. Amendments to this Constitution may be proposed in either hou of the General Assembly, and if the same shall be voted for by two-thirds all the members elected to each of the two houses, such proposed amen ments, together with the ayes and nays of each house thereon, shall

ntered in full on their respective journals, and said amendments shall be ubmitted to the electors of this State for adoption or rejection, at the next ection of members of the General Assembly, in such manner as may be rescribed by law. The proposed amendments shall be published in full at ast three months preceding the election, and if a majority of the electors oting at said election shall vote for the proposed amendments, they shall ecome a part of this Constitution. But the General Assembly shall have o power to propose amendments to more than one article of this Constitution the same session nor to the same article oftener than once in four years.

SECTIONS SEPARATELY SUBMITTED.[7]

ILLINOIS CENTRAL RAILROAD.

No contract, obligation or liability whatever, of the Illinois Central Raiload Company to pay any money into the State treasury, nor any lien of the tate upon, or right to tax property of said company, in accordance with he provisions of the charter of said company, approved February tenth, in he year of our Lord one thousand eight hundred and fifty-one, shall ever be eleased, suspended, modified, altered, remitted or in any manner diminished or impaired by legislative or other authority; and all moneys derived rom said company, after the payment of the State debt, shall be appropriated and set apart for the payment of the ordinary expenses of the State overnment, and for no other purposes whatever.

MINORITY REPRESENTATION.

[See Sections 7 and 8, Article IV.]

MUNICIPAL SUBSCRIPTIONS TO RAILROADS OR PRIVATE CORPORATIONS.

No county, city, town, township or other municipality shall ever become ubscriber to the capital stock of any railroad or private corporation, or ake donation to or loan its credit in aid of such corporation: *Provided, owever*, that the adoption of this article shall not be construed as affecting he right of any such municipality to make such subscriptions where the ame have been authorized, under existing laws, by a vote of the people of ich municipalities prior to such adoption.

CANAL.

The Illinois and Michigan canal, or other canal or waterway owned the State shall never be sold or leased until the specific proposition for he sale or lease thereof shall first have been submitted to a vote of the eople of the State at a general election, and have been approved by a ajority of all the votes polled at such election. The General Assembly hall never loan the credit of the State or make appropriations from the reasury thereof, in aid of railroads or canals;

Provided, that any surplus earnings of any canal, waterway or water ower, may be appropriated or pledged for its enlargement, maintenance extension; and,

Provided, further, that the General Assembly may, by suitable legislaon, provide for the construction of a deep waterway or canal from the resent water power plant of the Sanitary District of Chicago, at or near ockport, in the township of Lockport, in the county of Will, to a point in he Illinois River at or near Utica, which may be practical for a general plan nd scheme of deep waterway along a route, which may be deemed most dvantageous for such a plan of deep waterway; and for the erection, equipent and maintenance of power plants, locks, bridges, dams and appliances fficient and suitable for the development and utilization of the water power hereof; and authorize the issue, from time to time, of bonds of this State a total amount not to exceed twenty million dollars, which shall draw terest, payable semi-annually, at a rate not to exceed four per cent per

[7] The following sections relative to the Illinois Central Railroad, Minority Representation, Municipal Subscriptions to Railroads or Private Corporations and the Canal, ere submitted separately to a vote of the people and became effective on July 2, 1870.

annum, the proceeds whereof may be applied as the General Assembly may provide, in the construction of said waterway and in the erection, equipment and maintenance of said power plants, locks, bridges, dams and appliances.

All power developed from said waterway may be leased in part or in whole, as the General Assembly may by law provide; but in the event of any lease being so executed, the rental specified therein for water power shall be subject to a revaluation each ten years of the term created, and the income therefrom shall be paid into the treasury of the State.[8]

CONVICT LABOR.

Hereafter it shall be unlawful for the commissioners of any penitentiary or other reformatory institution in the State of Illinois, to let by contract to any person or persons, or corporations, the labor of any convict confined within said institution.[9]

SCHEDULE.

That no inconveniences may arise from the alterations and amendments made to the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SEC. 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions, claims and contracts of the State, individuals or bodies corporate, shall continue to be as valid as if this Constitution had not been adopted.

SEC. 2. That all fines, taxes, penalties and forfeitures, due and owing to the State of Illinois under the present Constitution and laws, shall inure to the use of the people of the State of Illinois, under this Constitution.

SEC. 3. Recognizances, bonds, obligations and other instruments entered into or executed before the adoption of this Constitution, to the people of the State of Illinois, to any State or county officer, or public body, shall remain binding and valid; and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the Constitution of this State.

SEC. 4. County courts for the transaction of county business in counties not having adopted township organization shall continue in existence, and exercise their present jurisdiction until the board of county commissioners provided in this Constitution is organized in pursuance of an Act of the General Assembly; and the county courts in all other counties shall have the same power and jurisdiction they now possess until otherwise provided by law.

SEC. 5. All existing courts which are not in this Constitution specifically enumerated shall continue in existence and exercise their present jurisdiction until otherwise provided by law.

SEC. 6. All persons now filling any office or appointment shall continue in the exercise of the duties thereof according to their respective commissions or appointments, unless by this Constitution it is otherwise directed.

SEC. 7. On the day this Constitution is submitted to the people for ratification an election shall be held for judges of the Supreme Court in the second, third, sixth and seventh judicial election districts, designated in this Constitution, and for the election of three judges of the circuit court in the county of Cook, as provided for in the article of this Constitution relating to the judiciary, at which election every person entitled to vote, according to the terms of this Constitution, shall be allowed to vote, and the election shall be otherwise conducted, returns made and certificates issued, in accordance with existing laws, except that no registry shall be required at said election: *Provided*, that at said election in the county of Cook no elector shall vote for more than two candidates for circuit judge. If, upon canvassing the votes for and against the adoption of this Constitution, it shall

[8] Amendment proposed by the General Assembly of 1907, ratified on November 5, 1908, and proclaimed adopted on November 24, 1908.

[9] The section on convict labor is a new section; it was proposed by the General Assembly of 1885; ratified on November 2, 1886, and proclaimed adopted on November 22, 1886.

pear that there has been polled a greater number of votes against than for then no certificates of election shall be issued for any of said supreme circuit judges.

SEC. 8. This Constitution shall be submitted to the people of the State of inois for adoption or rejection at an election to be held on the first Saday in July, in the year of our Lord one thousand eight hundred and enty, and there shall be separately submitted at the same time, for adopn or rejection, sections nine, ten, eleven, twelve, thirteen, fourteen and een relating to railroads, in the article entitled "Corporations," the arti- entitled "Counties," the article entitled "Warehouses," the question of uiring a three-fifths vote to remove a county seat, the section relating to Illinois Central Railroad, the section in relation to the minority representan, the section relating to municipal subscriptions to railroads or private porations and the section relating to the canal. Every person entitled vote under the provisions of this Constitution, as defined in the article in ation to suffrage, shall be entitled to vote for the adoption or rejection this Constitution, and for or against the articles, sections and questions oresaid, separately submitted, and the said qualified electors shall vote at the al places of voting unless otherwise provided; and the said election shall conducted, and returns thereof made, according to the laws now in force gulating general elections, except that no registry shall be required at said ction: *Provided, however*, that the polls shall be kept open for the recepn of ballots until sunset of said day of election.

SEC. 9. The Secretary of State shall, at least twenty days before said elecn, cause to be delivered to the county clerk of each county, blank poll oks, tally sheets and forms of return, and twice the number of properly pared printed ballots for the said election that there are voters in such unty, the expense whereof shall be audited and paid as other public printg ordered by the Secretary of State is, by law, required to be audited l paid, and the several county clerks shall at least five days before said ction, cause to be distributed to the board of election, in each election trict in their respective counties, said blank poll books, tally lists, forms return and tickets.

SEC. 10. At the said election the ballots shall be in the following form:

NEW CONSTITUTION TICKET.

For all the propositions on this ticket which are not cancelled with ink pencil, and against all propositions which are so cancelled.

For the new constitution.

For the sections relating to railroads in the article entitled "Corporans."

For the article entitled "Counties."

For the article entitled "Warehouses."

For a three-fifths vote to remove county seats.

For the section relating to the Illinois Central railroad.

For the section relating to minority representation.

For the section relating to municipal subscriptions to railroads or private rporations.

For the section relating to the canal.

Each of said tickets shall be counted as a vote cast for each proposition reon not cancelled with ink or pencil, and against each proposition so ncelled, and returns thereof shall be made accordingly by the judges of ction.

SEC. 11. The returns of the whole vote cast, and the votes for the adopn or rejection of this Constitution, and for or against the articles and secns respectively submitted, shall be made by the several county clerks, as is w provided by law, to the Secretary of State, within twenty days after the ction, and the returns of said votes shall, within five days thereafter, be mined and canvassed by the Auditor, Treasurer and Secretary of State or y two of them, in the presence of the Governor, and proclamation shall made by the Governor forthwith of the result of the canvass.

SEC. 12. If it shall appear that a majority of the votes polled are "for the new Constitution," then so much of this Constitution as was not separately submitted to be voted on by articles and sections, shall be the supreme law of the State of Illinois on and after Monday, the eighth day of August, in the year of our Lord one thousand eight hundred and seventy; but if it shall appear that a majority of the votes polled were "against the new Constitution" then so much thereof as was not separately submitted to be voted on by articles and sections, shall be null and void.

If it shall appear that a majority of the votes polled are "for the sections relating to railroads in the article entitled 'Corporations,'" section nine, ten, eleven, twelve, thirteen, fourteen and fifteen, relating to railroads in the said article shall be a part of the Constitution of this State, but if a majority of said votes are against said sections, they shall be null and void. If a majority of the votes polled are "for the article entitled 'Counties,'" such article shall be part of the Constitution of this State, and shall be substituted for article seven, in the present Constitution, entitled "Counties;" but if a majority of said votes are against such article the same shall be null and void. If a majority of the votes polled are "for the article entitled 'Warehouses,'" such article shall be part of the Constitution of this State; but if a majority of the votes are against said article, the same shall be null and void. If a majority of the votes polled are for either of the sections separately submitted, relating respectively to the "Illinois Central railroad," "minority representation," "municipal subscriptions to railroads or private corporations," and the "canal," then such of said sections as shall receive such majority shall be a part of the Constitution of this State; but each of said sections so separately submitted against which respectively there shall be a majority of the votes polled, shall be null and void: *Provided*, that the section relating to "minority representation" shall not be declared adopted unless the portion of the Constitution not separately submitted to be voted on by articles and sections shall be adopted; and in case said section relating to "minority representation" shall become a portion of the Constitution, it shall be substituted for sections seven and eight of the legislative article. If a majority of the votes cast at such election shall be for a three-fifths vote to remove a county seat, then the words "a majority" shall be stricken out of section four of the article on "Counties," and the words "three-fifths" shall be inserted in lieu thereof, and the following words shall be added to said section, to-wit: "But when an attempt is made to remove a county seat to a point nearer to the center of a county, then a majority vote only shall be necessary." If the foregoing proposition shall not receive a majority of the votes as aforesaid, then the same shall have no effect whatever.

SEC. 13. Immediately after the adoption of this Constitution, the Governor and Secretary of State shall proceed to ascertain and fix the apportionment of the State for members of the first House of Representatives under this Constitution. The apportionment shall be based upon the federal census of the year of our Lord one thousand eight hundred and seventy, of the State of Illinois, and shall be made strictly in accordance with the rules and principals announced in the article on the legislative department of this Constitution: *Provided*, that in case the federal census aforesaid cannot be ascertained prior to Friday, the twenty-third day of September, in the year of our Lord one thousand eight hundred and seventy, then the said apportionment shall be based on the State census of the year of our Lord one thousand eight hundred and sixty-five, in accordance with the rules and principles aforesaid. The Governor shall, on or before Wednesday, the twenty-eighth day of September, in the year of our Lord one thousand eight hundred and seventy, make official announcement of said apportionment, under the great seal of the State; and 100 copies thereof, duly certified, shall be forthwith transmitted by the Secretary of State to each county clerk for distribution.

SEC. 14. The districts shall be regularly numbered by the Secretary of State, commencing with Alexander County as number one, and proceeding then northwardly through the State, and terminating with the county of

Cook, but no county shall be numbered as more than one district, except in the county of Cook, which shall constitute three districts, each embracing the territory contained in the now existing representative districts of said county. And on the Tuesday after the first Monday in November, in the year of our Lord one thousand eight hundred and seventy, the members of the first House of Representatives under this Constitution shall be elected according to the apportionment fixed and announced as aforesaid, and shall hold their offices for two years, and until their successors shall be elected and qualified.

SEC. 15. The Senate, at its first session under this Constitution, shall consist of fifty members, to be chosen as follows: At the general election held on the first Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy, two Senators shall be elected in districts where the term of Senators expires on the first Monday of January, in the year of our Lord one thousand eight hundred and seventy-one, or where there shall be a vacancy, and in the remaining districts one Senator shall be elected. Senators so elected shall hold their office two years.

SEC. 16. The General Assembly, at its first session held after the adoption of this Constitution, shall proceed to apportion the State for members of the Senate and House of Representatives, in accordance with the provisions of the article on the legislative department.

SEC. 17. When this Constitution shall be ratified by the people, the Governor shall forthwith, after having ascertained the fact, issued writs of election to the sheriffs of the several counties of the State, or in case of vacancies, to the coroners, for the election of all the officers the time of whose election is fixed by this Constitution or schedule, and it shall be the duty of said sheriffs or coroners to give such notice of the time and place of said election as is now prescribed by law.

SEC. 18. All laws of the State of Illinois and all official writings, and the executive, legislative and judicial proceedings, shall be conducted, preserved and published in no other than the English language.

SEC. 19. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Constitution.

SEC. 20. The circuit clerks of the different counties having a population over 60,000 shall continue to be recorders (*ex officio*) for their respective counties, under this Constitution, until the expiration of their respective terms.

SEC. 21. The judges of all courts of record in Cook County shall, in lieu of any salary provided for in this Constitution, receive the compensation provided by law until the adjournment of the first session of the General Assembly after the adoption of this Constitution.

SEC. 22. The present judge of the circuit court of Cook county shall continue to hold the circuit court of Lake county until otherwise provided by law.

SEC. 23. When this Constitution shall be adopted and take effect as the supreme law of the State of Illinois, the two mill tax provided to be annually assessed and collected upon each dollar's worth of taxable property, in addition to all other taxes, as set forth in article fifteen of the now existing Constitution, shall cease to be assessed after the year of our Lord one thousand eight hundred and seventy.

SEC. 24. Nothing contained in this Constitution shall be so construed as to deprive the General Assembly of power to authorize the city of Quincy to create any indebtedness for railroad or municipal purposes for which the people of said city have voted and to which they shall have given, by such vote, their assent, prior to the thirteenth day of December, in the year of our Lord one thousand eight hundred and sixty-nine: *Provided*, that no such indebtedness so created shall, in any part thereof, be paid by the State or from any State revenue tax or fund, but the same shall be paid, if at all, by the city of Quincy alone, and by taxes to be levied upon the taxable property thereof: *And, provided further*, that the General Assembly shall

have no power in the premises that it could not exercise under the present Constitution of the State.

SEC. 25. In case this Constitution, and the articles and sections submitted separately be adopted, the existing Constitution shall cease in all its provisions; and in case this Constitution be adopted, and any one or more of the articles or sections submitted separately be defeated, the provisions of the existing Constitution, if any, one the same subject shall remain in force.

SEC. 26. The provisions of this Constitution required to be executed prior to the adoption or rejection thereof, shall take effect and be in force immediately.

[ATTESTATION].

Done in convention at the Capitol, in the city of Springfield, on the thirteenth day of May, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States of America the ninety-fourth.

In witness whereof, we have hereunto subscribed our names.

CHARLES HITCHCOCK, *President.*

ATTEST: JOHN Q. HARMON, *Secretary.*
DANIEL SHEPHERD, *First Assistant Secretary.*
A. H. SWAIN, *Second Assistant Secretary.*

CONSTITUTION OF INDIANA—1851*

PREAMBLE.

the end that justice be established, public order maintained, and liberty perpetuated: We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution:

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. We declare that all men are created equal; that they are dowed by their Creator with certain unalienable rights; that among these life, liberty, and the pursuit of happiness; that all power is inherent the people; and that all free governments are, and of right ought to be, nded on their authority, and instituted for their peace, safety, and well-ing. For the advancement of these ends the people have at all times indefeasible right to alter and reform their government.

SEC. 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

SEC. 3. No law shall, in any case, whatever, control the free exercise d enjoyment of religious opinions, or interfere with the rights of conence.

SEC. 4. No preference shall be given, by law, to any creed, religious iety or mode of worship; and no man shall be compelled to attend, erect support any place of worship, or to maintain any ministry against his sent.

SEC. 5. No religious test shall be required as a qualification for any ce of trust or profit.

SEC. 6. No money shall be drawn from the treasury for the benefit of y religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness, in conquence of his opinion on matters of religion.

SEC. 8. The mode of administering an oath or affirmation shall be such may be most consistent with, and binding upon, the conscience of the rson to whom such oath or affirmation may be administered.

SEC. 9. No law shall be passed restraining the free interchange of ought and opinion, or restricting the right to speak, write, or print, freely, any subject whatever; but for the abuse of that right every person shall responsible.

SEC. 10. In all prosecutions for libel, the truth of the matters alleged be libelous may be given in justification.

SEC. 11. The right of the people to be secured in their persons, houses, pers and effects, against unreasonable search or seizure shall not be viosed, and no warrant shall issue, but upon probable cause, supported by th or affirmation, and particularly describing the place to be searched, d the person or thing to be seized.

SEC. 12. All courts shall be open; and every man, for injury done to n, in his person, property or reputation, shall have remedy by due course

*The constitution of Indiana was drafted by a convention which assembled at dianapolis on October 7, 1850, and adjourned on February 10, 1851. The electors re afforded the opportunity of voting on the ratification or rejection of the conution as a whole and on Article XIII relative to negroes and mulattoes. At the ction held on August 4, 1851, the constitution as a whole was ratified by a vote of 564 to 26,755, and Article XIII was ratified by a vote of 88,910 to 21,066. The conution became effective on November 1, 1851.

of law. Justice shall be administered freely and without purchase; completely, and without denial; speedily, and without delay.

SEC. 13. In all criminal prosecutions the accused shall have the right to a public trial, by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

SEC. 15. No person, arrested or confined in jail, shall be treated with unnecessary rigor.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.

SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases the right of trial by jury shall remain inviolate.

SEC. 21. No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contract, shall ever be passed.

SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended except by the authority of the General Assembly.

SEC. 27. The privileges of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion, and then only if the public safety demand it.

SEC. 28. Treason against the State shall consist only in levying war against it, and giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

SEC. 30. No conviction shall work corruption of blood or forfeiture of estate.

SEC. 31. No law shall restrain any of the inhabitants of the State from assembling together, in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

SEC. 32. The people shall have a right to bear arms for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordination to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered in any house ıout the consent of the owner; nor in time of war but in a manner to be scribed by law.

SEC. 35. The General Assembly shall not grant any title of nobility, nor fer hereditary distinctions.

SEC. 36. Emigration from the State shall not be prohibited.

SEC. 37. There shall be neither slavery nor involuntary servitude, with- he State, otherwise than for the punishment of crime, whereof the party l have been duly convicted. No indenture of any negro or mulatto, made executed out of the bounds of the State, shall be valid within the e.

ARTICLE II.

SUFFRAGE AND ELECTION.

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections not otherwise provided for by this Constitution, y male citizen of the United States, of the age of twenty-one years and ards, who shall have resided in the State during the six months, and in township sixty days, and in the ward or precinct thirty days imme- ely preceding such election; and every male of foreign birth, of the age wenty-one years and upwards, who shall have resided in the United States year, and shall have resided in this State during six months, and in township sixty days, and in the ward or precinct thirty days, immediately eding such election, and shall have declared his intention to become a en of the United States, conformably to the laws of the United States he subject of naturalization, shall be entitled to vote in the township or inct where he may reside, if he shall have been duly registered accord- to law.[1]

SEC. 3. No soldier, seaman or marine, in the army or navy of the ed States, or their allies, shall be deemed to have acquired a residence his State in consequence of having been stationed within the same; nor any such soldier, seamen or marine, have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the by reason of his absence either on business of the State or of the ed States.

SEC. 5. [Stricken out by constitutional amendment of March 24, 1881].[2]

SEC. 6. Every person shall be disqualified from holding office during term for which he may have been elected, who shall have given or ed a bribe, threat or reward to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a or who shall knowingly carry to another person such challenge, or shall agree to go out of the State to fight a duel, shall be ineligible to office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of the right uffrage, and to render ineligible any person convicted of an infamous e.

SEC. 9. No person holding a lucrative office or appointment, under the ed States, or under this State, shall be eligible to a seat in the General mbly; nor shall any person hold more than one lucrative office at the time, except as in this Constitution expressly permitted: *Provided*, offices in the militia, to which there is attached no annual salary, and office of Deputy Postmaster, where the compensation does not exceed y dollars per annum, shall not be deemed lucrative; *And, provided, also*

Proposed by the general assembly of 1877; re-adopted by the general assembly 79; voted on at the election of April 5, 1880; held not adopted, in State v. May, 1880, for want of an affirmative majority of the vote cast at the election; mitted on March 14, 1881, and declared adopted on March 24, 1881. Amend- s were made at the same time and in the same manner to Article II, Sections 1 14; Article IV, Sections 4, 5 and 22; Article VII, Section 1; Article X, on 7; and Article XIII.

See Note 1.

That counties containing less than one thousand polls may confer the office of Clerk, Recorder and Auditor, or any two of said offices upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

SEC. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 12. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

SEC. 14. All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: *Provided*, That the General Assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote.[3]

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the Government are divided into three separate department: the Legislative, the Executive (including the Administrative); and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

ARTICLE IV.

LEGISLATIVE.

SECTION 1. The legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives. The style of every law shall be, "Be it enacted by the General Assembly of the State of Indiana:" and no law shall be enacted except by bill.

SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided, however*, That the senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed by lot, to the one or the other of the two classes, as to keep them as nearly equal as practicable.

SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.[4]

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: *Provided*, That the first

[4] See Note 1, p. 415.

d second elections of members of the General Assembly, under this Constitu-
n, shall be according to the apportionment last made by the General Assem-
before the adoption of this Constitution.[5]

SEC. 6. A Senatorial or Representative District, where more than one county
ll constitute a district, shall be composed of contiguous counties; and no
nty, for Senatorial apportionment, shall ever be divided.

SEC. 7. No person shall be a Senator or a Representative who, at the time
his election, is not a citizen of the United States; nor any one who has
been, for two years next preceding his election, an inhabitant of this State,
l for one year next preceding his election, an inhabitant of the county or dis-
t whence he may be chosen. Senators shall be at least twenty-five, and
epresentatives at least twenty-one years of age.

SEC. 8. Senators and Representatives in all cases except treason, felony,
l breach of the peace, shall be privileged from arrest during the session of
General Assembly, and in going to and returning from the same; and shall
be subject to any civil process during the session of the General Assembly,
during the fifteen days next before the commencement thereof. For any
ech or debate in either House, a member shall not be questioned in any
er place.

SEC. 9. The sessions of the General Assembly shall be held biennially at
capital of the State, commencing on the Thursday next after the first
nday of January, in the year one thousand eight hundred and fifty-three,
d on the same day of every second year thereafter, unless a different day or
ce shall have been appointed by law. But if, in the opinion of the Governor,
public welfare shall require it, he may, at any time, by proclamation, call
pecial session.

SEC. 10. Each House, when assembled, shall choose its own officers (the
sident of the Senate excepted), judge the elections, qualifications and returns
its own members, determine its rules of proceeding and sit upon its own ad-
rnment. But neither House shall, without the consent of the other, adjourn
more than three days, nor to any place other than that in which it may be
ing.

SEC. 11. Two-thirds of each House shall constitute a quorum to do busi-
s; but a smaller number may meet, adjourn from day to day, and compel the
ndance of absent members. A quorum being in attendance, if either House
to effect an organization within the first five days thereafter, the members
the House so failing shall be entitled to no compensation from the end of
said five days, until an organization shall have been effected.

SEC. 12. Each House shall keep a journal of its proceedings, and publish
same. The yeas and nays, on any question, shall, at the request of any
members, be entered, together with the names of the members demanding
same, on the journal: *Provided*, That on a motion to adjourn, it shall
uire one-tenth of the members present to order the yeas and nays.

SEC. 13. The doors of each House, and of Committees of the Whole, shall
kept open, except in such cases as, in the opinion of either House, may require
recy.

SEC. 14. Either House may punish its members for disorderly behavior,
may, with the concurrence of two-thirds, expel a member; but not a second
e for the same cause.

SEC. 15. Either House, during its session, may punish, by imprisonment,
person not a member, who shall have been guilty of disrespect to the House,
disorderly or contemptuous behavior in its presence; but such imprisonment
ll not, at any time, exceed twenty-four hours.

SEC. 16. Each House shall have all powers necessary for a branch of the
islative department of a free and independent State.

SEC. 17. Bills may originate in either House, but may be amended or
cted in the other, except that bills for raising revenues shall originate in
House of Representatives.

SEC. 18. Every bill shall be read by section, on three several days in each

[5] See Note 1, p. 415.

House; unless, in case of emergency, two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and of constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening and working on, highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys and public squares;

Summoning and empaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation;

For the assessment and collection of taxes for State, county, township or road purposes;

Providing for supporting common schools, and for the preservation of school funds;

In relation to fees or salaries; except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required;[6]

In relation to interest on money;

Providing for opening and conducting elections of State, county or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 24. Provisions may be made by general law, for bringing suits against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

SEC. 25. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective Houses.

SEC. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

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[6] See Note 1, p. 415.

SEC. 27. Every statute shall be a public law, unless otherwise declared in statute itself.

SEC. 28. No act shall take effect until the same shall have been published circulated in the several counties of this State, by authority, except in case mergency; which emergency shall be declared in the preamble or in the of the law.

SEC. 29. The members of the General Assembly shall receive for their serv- a compensation, to be fixed by law; but no increase of compensation shall effect during the session at which such increase may be made. No session ie General Assembly, except the first under this Constitution, shall extend nd the term of sixty-one days, nor any special session beyond the term of days.

SEC. 30. No Senator or Representative shall, during the term for which he have been elected, be eligible to any office, the election to which is vested ie General Assembly, nor shall he be appointed to any civil office of profit, h shall have been created, or the emoluments of which shall have been eased, during such term; but this latter provision shall not be construed pply to any office elective by the people.

ARTICLE V.

EXECUTIVE.

SECTION 1. The executive powers of the State shall be vested in a Gov- . He shall hold his office during four years, and shall not be eligible more four years in any period of eight years.

SEC. 2. There shall be a Lieutenant-Governor, who shall hold his office g four years.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the and places of choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant-Governor the electors shall nate for whom they vote as Governor, and for whom as Lieutenant-Gov- . The returns of every election for Governor and Lieutenant-Governor be sealed up and transmitted to the seat of government, directed to the er of the House of Representatives, who shall open and publish them in resence of both Houses of the General Assembly.

SEC. 5. The persons, respectively, having the highest number of votes for nor and Lieutenant-Governor shall be elected; but in case two or more ns shall have an equal and the highest number of votes for either office, General Assembly shall, by joint vote, forthwith proceed to elect one of aid persons Governor or Lieutenant-Governor, as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant-Governor shall be mined by the General Assembly, in such manner as may be prescribed w.

SEC. 7. No person shall be eligible to the office of Governor or Lieutenant- nor who shall not have been five years a citizen of the United States; lso a resident of the State of Indiana during the five years next preced- is election; nor shall any person be eligible to either of the said offices shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the d States, or under this State, shall fill the office of Governor or Lieuten- overnor.

SEC. 9. The official term of the Governor or Lieutenant-Governor shall ence on the second Monday of January, in the year one thousand eight ed and fifty-three; and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his , resignation or inability to discharge the duties of the office, the same devolve on the Lieutenant-Governor; and the General Assembly shall, by rovide for the case of removal from office, death, resignation, or inability f the Governor and Lieutenant-Governor declaring what officer then shall Governor; and such officer shall act accordingly until the disability be ed or a Governor be elected.

SEC. 11. Whenever the Lieutenant-Governor shall act as Governor, or shal be unable to attend as President of the Senate, the Senate shall elect one o its own members as President for the occasion.

SEC. 12. The Governor shall be commander-in-chief of the military an naval forces, and may call out such forces to execute the laws, or to suppres insurrection, or to repel invasion.

SEC. 13. He shall, from time to time, give to the General Assembly infor mation touching the condition of the State, and recommend such measures a he shall judge to be expedient.

SEC. 14. Every bill which shall have passed the General Assembly shal be presented to the Governor: if he approve, he shall sign it, but if not, h shall return it, with his objections, to the House in which it shall have origi nated, which House shall enter the objections at large upon its journals, an proceed to reconsider the bill. If, after such reconsideration, a majority o all the members elected to that House shall agree to pass the bill, it shall b sent, with the Governor's objections, to the other House, by which it shall like wise be reconsidered, and, if approved by a majority of all the members electe to that House, it shall be a law. If any bill shall not be returned by the Gov ernor within three days, Sundays excepted, after it shall have been presente to him, it shall be a law without his signature, unless the general adjournmen shall prevent its return, in which case it shall be a law, unless the Governo within five days next after such adjournment, shall file such bill, with his ob jections thereto in the office of the Secretary of State, who shall lay the sam before the General Assembly at its next session in like manner as if it had bee returned by the Governor. But no bill shall be presented to the Governo within two days next previous to the final adjournment of the General As sembly.

SEC. 15. The Governor shall transact all necessary business with the off cers of government, and may require any information in writing from the off cers of the administrative department, upon any subject relating to the dutie of their respective offices.

SEC. 16. He shall take care that the laws be faithfully executed.

SEC. 17. He shall have the power to grant reprieves, commutations an pardons, after conviction, for all offenses except treason and cases of impeach ment, subject to such regulations as may be provided by law. Upon convi tion for treason, he shall have power to suspend the execution of the sentenc until the case shall be reported to the General Assembly at its next meetin when the General Assembly shall either grant a pardon, commute the sentenc direct the execution of the sentence, or grant a further reprieve. He sha have power to remit fines and forfeitures, under such regulations as may b prescribed by law, and shall report to the General Assembly at its next mee ing each case of reprieve, commutation, or pardon granted, and also the nam of all persons in whose favor remission of fines and forfeitures shall have bee made, and the several amounts remitted: *Provided, however*, That the Ge eral Assembly may, by law, constitute a council, to be composed of officers State, without whose advice and consent the Governor shall not have power grant pardons, in any case, except such as may, by law, be left to his so power.

SEC. 18. When, during a recess of the General Assembly, a vacancy sha happen in any office, the appointment to which is vested in the General A sembly, or when, at any time, a vacancy shall have occurred in any other Sta office, or in the office of Judge of any court, the Governor shall fill such v cancy by appointment, which shall expire when a successor shall have be elected and qualified.

SEC. 19. He shall issue writs of election to fill such vacancies as ma have occurred in the General Assembly.

SEC. 20. Should the seat of government become dangerous from disease a common enemy, he may convene the General Assembly at any other place.

SEC. 21. The Lieutenant-Governor shall, by virtue of his office, be Pre dent of the Senate; have a right, when in Committee of the Whole, to jo

lebate, and to vote on all subjects, and, whenever the Senate shall be equally ded, he shall give the casting vote.

SEC. 22. The Governor shall, at stated times, receive for his services a pensation which shall neither be increased nor diminished during the term which he shall have been elected.

SEC. 23. The Lieutenant-Governor, while he shall act as President of the ate, shall receive for his services the same compensation as the Speaker of House of Representatives; and any person acting as Governor shall receive compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant-Governor shall be eligible ny other office during the term for which he shall have been elected.

ARTICLE VI.

ADMINISTRATIVE.

SECTION 1. There shall be elected by the voters of the State a Secretary, Auditor, and a Treasurer of State, who shall severally hold their offices two years. They shall perform such duties as may be enjoined by law; no person shall be eligible to either of said offices more than four years ny period of six years.

SEC. 2. There shall be elected in each county, by the voters thereof, at the of holding general elections, a Clerk of the Circuit Court, Auditor, Re- ler, Treasurer, Sheriff, Coroner and Surveyor. The Clerk, Auditor and Re- ler shall continue in office four years; and no person shall be eligible to office of Clerk, Recorder or Auditor more than eight years in any period welve years. The Treasurer, Sheriff, Coroner and Surveyor shall continue ffice two years; and no person shall be eligible to the office of Treasurer Sheriff more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary shall lected or appointed, in such manner as may be prescribed by law.

SEC. 4. No person shall be elected or appointed as a county officer who ll not be an elector of the county; nor any one who shall not have been inhabitant thereof during one year next preceding his appointment, if the nty shall have been so long organized; but if the county shall not have so long organized, then within the limits of the county or counties out which the same shall have been taken.

SEC. 5. The Governor, and the Secretary, Auditor and Treasurer of State, ll, severally, reside and keep the public records, books and papers, in any ner relating to the respective offices, at the seat of government.

SEC. 6. All county, township and town officers shall reside within their pective counties, townships, and towns, and shall keep their respective offices such places therein, and perform such duties as may be directed by law.

SEC. 7. All State officers shall, for crime, incapacity, or negligence, be le to be removed from office, either by impeachment by the House of Rep- ntatives, to be tried by the Senate, or by a joint resolution of the General embly; two-thirds of the members elected to each branch voting, in either e, therefor.

SEC. 8. All State, county, township and town officers may be impeached, removed from office, in such manner as may be prescribed by law.

SEC. 9. Vacancies in county, township, and town offices shall be filled in h manner as may be prescribed by law.

SEC. 10. The General Assembly may confer upon the Boards doing county iness in the several counties powers of a local administrative character.

ARTICLE VII.

JUDICIAL.

SECTION 1. The Judicial power of the State shall be vested in a Su- me Court, in Circuit Courts, and in such other courts as the General As- bly may establish.[7]

[7] See Note 1, p. 415.

SEC. 2. The Supreme Court shall consist of not less than three, nor more than five Judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court, and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judge shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction, co-extensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decisions of the court thereon.

SEC. 6. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no judge shall be allowed to report such decision.

SEC. 7. There shall be elected by the voters of the State a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

SEC. 8. The Circuit Courts shall each consist of one judge and shall have such civil and criminal jurisdiction as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide, by law, that the judge of one circuit may hold the courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the courts in his circuit, provision may be made, by law, for holding such courts.

SEC. 11. There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years.

SEC. 12. Any judge or prosecuting attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

SEC. 13. The judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

SEC. 14. A competent number of justices of the peace shall be elected by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial officer shall during the term for which he shall have been elected be eligible to any office of trust or profit under the State, other than a judicial office.

SEC. 17. The General Assembly may modify or abolish the grand jury system.

SEC. 18. All criminal prosecutions shall be carried on in the name and by the authority of the State; and the style of all processes shall be, "The State of Indiana."

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or court.

SEC. 20. The General Assembly, at its first session after the adoption of is Constitution, shall provide for the appointment of three commissioners hose duty it shall be to revise, simplify and abridge the rules, practice, pleadgs and forms of the courts of justice. And they shall provide for abolishing distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law d equity. And the General Assembly may, also, make it the duty of said mmissioners to reduce into a systematic code the general statute law of the ate; and said commissioners shall report the result of their labors to the neral Assembly, with such recommendations and suggestions as to the ridgement and amendment, as to said commissioners may seem necessary proper. Provision shall be made by law for filling vacancies, regulating e tenure of office and the compensation of said commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be titled to admission to practice law in all courts of justice.

ARTICLE VIII.

EDUCATION.

SECTION 1. Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be e duty of the General Assembly to encourage, by all suitable means, moral, ellectual, scientific and agricultural improvement, and to provide by law for general and uniform system of common schools, wherein tuition shall be thout charge, and equally open to all.

SEC. 2. The common school fund shall consist of the congressional township fund, and the lands belonging thereto;

The surplus revenue fund;

The saline fund, and the lands belonging thereto;

The bank tax fund, and the fund arising from the one hundred and fourenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of county seminaries, and the mons and property heretofore held for such seminaries; from the fines assessed r breaches of the penal laws of the State; and from all forfeitures which ay accrue;

All lands and other estate which shall escheat to the State for want of irs or kindred entitled to the inheritance;

All lands that have been or may hereafter be granted to the State, where special purpose is expressed in the grant and the proceeds of the sales ereof; including the proceeds of the sales of the Swamp Lands granted to e State of Indiana by the act of Congress, of the 28th of September, 1850, ter deducting the expense of selecting and draining the same;

Taxes on the property of corporations that may be assessed by the General ssembly for Common School purposes.

SEC. 3. The principal of the Common School Fund shall remain a perpetl fund, which may be increased, but shall never be diminished; and the come thereof shall be inviolably appropriated to the support of Common hools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable anner, all such portions of the Common School Fund as have not heretofore en entrusted to the several counties; and shall make provisions, by law, r the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest r Common School purposes, the same shall be reinvested for the benefit of ch county.

SEC. 6. The several counties shall be held liable for the preservation of much of the said fund as may be entrusted to them, and for the payment the annual interest thereon.

SEC. 7. All trust funds held by the State shall remain inviolate, and be ithfully and exclusively applied to the purposes for which the trust was eated.

SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

ARTICLE IX.

STATE INSTITUTIONS.

SECTION 1. It shall be the duty of the General Assembly to provide by law for the support of Institutions for the education of the Deaf and Dumb, and of the Blind; and, also, for the treatment of the Insane.

SEC. 2. The General Assembly shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

SEC. 3. The County Boards shall have power to provide farms as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

ARTICLE X.

FINANCE.

SECTION 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law.

SEC. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt.

SEC. 3. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

SEC. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash & Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act passed January 29, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates of stocks shall ever be paid by this State.[8]

[8]Section 7 is a new section; it was proposed by the general assembly of 1871; re-adopted by the general assembly, met in special session, in 1872; ratified by the electors on February 18, 1873; and proclaimed in force on March 7, 1873.

ARTICLE XI.

CORPORATIONS.

SECTION 1. The General Assembly shall not have power to establish, or orporate any bank or banking company, or moneyed institution, for the purse of issuing bills of credit, or bills payable to order or bearer, except under conditions prescribed in this Constitution.

SEC. 2. No bank shall be established otherwise than under a general bank- law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such shall provide for the registry and countersigning by an officer of State, all paper credit designed to be circulated as money; and ample collateral urity, readily convertible into specie, for the redemption of the same in gold silver, shall be required; which collateral security shall be under the control the proper officer or officers of State.

SEC. 4. The General Assembly may also charter a bank with branches, with- collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the nches shall be mutually responsible for each other's liabilities, upon all per credit issued as money.

SEC. 6. The stockholders in every bank, or banking company, shall be lividually responsible to an amount over and above their stock, equal to their spective shares of stock, for all debts or liabilities of said bank or banking mpany.

SEC. 7. All bills or notes issued as money, shall be, at all times, redeem- le in gold or silver; and no law shall be passed, sanctioning, directly or in- rectly, the suspension, by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to eference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of erest than shall be allowed by law to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cause all nking operations within twenty years from the time of its organization, d promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the trust nds in a bank with branches; but in case of such investment, the safety the same shall be guaranteed by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the ex- ation of the present bank charter; nor shall the credit of the State ever given, or loaned, in aid of any person, association, or corporation, nor shall State hereafter become a stockholder in any corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special s but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by h individual liability of the corporators, or other means, as may be pre- ibed by law.

ARTICLE XII.

MILITIA.

SECTION 1. The militia shall consist of all able-bodied white male persons ween the ages of eighteen and forty-five years, except such as may be empted by the laws of the United States, or of this State; and shall be ganized, officered, armed, equipped and trained in such manner as may be vided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quartermaster and Com- ssary Generals.

SEC. 3. All militia officers shall be commissioned by the Governor, and all hold their offices not longer than six years.

SEC. 4. The General Assembly shall determine the method of dividing the litia into divisions, brigades, regiments, battalions and companies, and fix rank of all staff officers.

SEC. 5. The militia may be divided into classes of sedentary and active militia in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be prescribed by law.

ARTICLE XIII.

POLITICAL AND MUNICIPAL CORPORATIONS.

SECTION 1. No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose, to any amount, in the aggregate exceeding two per centum on the value of taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; and all bonds or obligations in excess of such amount, given by such corporations, shall be void: *Provided*, That in time of war, foreign invasion, or other great public calamity on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition.[9]

ARTICLE XIV.

BOUNDARIES.

SEC. 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the east by the meridian line forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north, by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

SEC. 2. The State of Indiana shall possess jurisdiction, and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. All officers whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer other than a member of the General

[9] See Note 1, p. 415. The original Article, relative to negroes and mulattoes, was stricken out and the Article relative to the municipal debt limit inserted.

ssembly, shall hold his office for any given term, the same shall be construed
) mean that such officer shall hold his office for such term, and until his suc-
ssor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Con-
itution shall, before entering on the duties thereof, take an oath or affirma-
on to support the Constitution of this State and of the United States, and
lso an oath of office.

SEC. 5. There shall be a seal of the State, kept by the Governor for official
urposes, which shall be called the Seal of the State of Indiana.

SEC. 6. All commissions shall issue in the name of the State, shall be
gned by the Governor, sealed by the State Seal, and attested by the Secretary
f State.

SEC. 7. No county shall be reduced to an area less than four hundred
quare miles; nor shall any county under that area be further reduced.

SEC. 8. No lottery shall be authorized, nor shall the sale of lottery tickets
e allowed.

SEC. 9. The following grounds owned by the State of Indianapolis, namely:
he State House Square, the Governor's Circle, and so much of out-lot numbered
ne hundred and forty-seven as lies north of the arm of the Central Canal shall
ot be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to provide for the
ermanent enclosure and preservation of the Tippecanoe Battle Ground.

ARTICLE XVI.

AMENDMENTS

SECTION 1. Any amendment or amendments to this Constitution may be
roposed in either branch of the General Assembly; and if the same shall be
greed to by a majority of the members elected to each of the two houses, such
roposed amendment or amendments shall, with the yeas and nays thereon,
e entered on their journals and referred to the General Assembly to be chosen
t the next general election; and, if in the General Assembly so next chosen,
uch proposed amendment or amendments shall be agreed to by a majority of
ll the members elected to each house, then it shall be the duty of the General
ssembly to submit such amendment or amendments to the electors of the
tate, and if a majority of said electors shall ratify the same, such amend-
ent or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments shall be submitted at the same time,
ney shall be submitted in such manner that the electors shall vote for or
gainst each of such amendments separately; and while such an amendment
r amendments which shall have been agreed upon by one General Assembly
hall be awaiting the action of the succeeding General Assembly, or of the
lectors, no additional amendment or amendments shall be proposed.

SCHEDULE.

This Constitution, if adopted, shall take effect on the first day of Novem-
er, in the year one thousand eight hundred and fifty-one, and shall supersede
he Constitution adopted in the year one thousand eight hundred and sixteen.
hat no inconvenience may arise from the change in the government, it is
ereby ordained as follows:

First. All laws now in force, and not inconsistent with this Constitution,
hall remain in force, until they expire or be repealed.

Second. All indictments, prosecutions, suits, pleas, plaints, and other pro-
eedings, pending in any of the courts shall be prosecuted to final judgment
nd execution; and all appeals, writs of error, certiorari, and injunctions, shall
e carried on in the several courts, in the same manner as is now provided
y law.

Third. All fines, penalties, and forfeitures, due or accruing to the State,
r to any county therein, shall inure to the State, or to such county, in the

manner prescribed by law. All bonds executed to the State, or to any officer, in his official capacity, shall remain in force and inure to the use of those concerned.

Fourth. All acts of incorporation for municipal purposes shall continue in force under this Constitution, until such time as the General Assembly shall, in its discretion, modify or repeal the same.

Fifth. The Governor, at the expiration of the present official term, shall continue to act, until his successor shall have been sworn into office.

Sixth. There shall be a session of the General Assembly, commencing on the first Monday in December, in the year one thousand eight hundred and fifty-one.

Seventh. Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the representatives then elected, shall continue in office until the first general election under this Constitution.

Eighth. The first general election under this Constitution shall be held in the year one thousand eight hundred and fifty-two.

Ninth. The first election for Governor, Lieutenant-Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorneys, Secretary, Auditor and Treasurer of State, and State Superintendent of Public Instruction, under the Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices, until their successors shall have been elected and qualified.

Tenth. Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office, until the term for which such person has been, or may be, elected, shall expire: Provided, that no such person shall continue in office, after the taking effect of this Constitution, for a longer period than the term of such office in this Constitution prescribed.

Eleven. On the taking effect of this Constitution, all officers thereby continued in office shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

Twelfth. All vacancies that may occur in existing offices, prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

Thirteenth. At the time of submitting this Constitution to the electors, for their approval or disapproval, the article numbered thirteen, in relation to Negroes and Mulattoes, shall be submitted as a distinct proposition, in the following form: "Exclusion and Colonization of Negroes and Mulattoes," "Aye" or "No." And if a majority of the votes cast shall be in favor of said article, then the same shall form a part of this Constitution; otherwise, it shall be void, and form no part thereof.

Fourteenth. No article or section of this Constitution shall be submitted as a distinct proposition, to a vote of the electors, otherwise than as herein provided.

Fifteenth. Whenever a portion of the citizens of the counties of Perry and Spencer, shall deem it expedient to form, of the contiguous territory of said counties, a new county, it shall be the duty of those interested in the organization of such new county, to lay off the same, by proper metes and bounds, of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties, at a general election, in such manner as shall be prescribed by law. And if a majority of all the votes given at said election, shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same, out of the territory thus designated.

Sixteenth. The General Assembly may alter or amend the charter of

Clarksville, and make such regulations as may be necessary for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied, according to the intention of the grantor.

Done in convention, at Indianapolis, the tenth day of February, in the year of our Lord one thousand eight hundred and fifty-one; and of the Independence of the United States, the seventy-fifth.

GEORGE WHITFIELD CARR,
President and Delegate from the County of Lawrence.

Attest:

WM. H. ENGLISH,
Principal Secretary.
GEORGE L. SITES,
HERMAN G. BARKWELL,
ROBERT M. EVANS,

CONSTITUTION OF IOWA—1857*

PREAMBLE.

We, the People of the State of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows:

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river; thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the state of Missouri—as established by the constitution of that state, adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines river; thence westwardly along the said northern boundary line of the state of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollett's map; thence up the main channel of the said Big Sioux river, according to the said map until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

SEC. 3. The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

SEC. 4. No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges, or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

*The constitution of Iowa was framed by a convention of delegates which assembled at Iowa City on January 19, 1857, and adjourned on March 5, 1857. The constitution was ratified by the electors on August 3, 1857, by a vote of 40,311 to 38,681. The question of striking out the word "white" from the article on suffrage, thus conferring suffrage on negroes, was submitted at the same election and was defeated. The constitution took effect by proclamation of the governor on September 3, 1857.

SEC. 5. Any citizen of this state who may hereafter be engaged, either ectly or indirectly, in a duel, either as principal or accessory before the , shall be disqualified from holding any office under the constitution and s of this state.

SEC. 6. All laws of a general nature shall have a uniform operation; general assembly shall not grant to any citizen or class of citizens, privi- s or immunities, which upon the same terms shall not equally belong to citizens.

SEC. 7. Every person may speak, write and publish his sentiments on all jects, being responsible for the abuse of that right. No law shall be passed restrain or abridge the liberty of speech, or of the press. In all prosecu- s or indictments for libel, the truth may be given in evidence to the jury. if it appear to the jury that the matter charged as libelous was true, and published with good motives and for justifiable ends, the party shall be uitted.

SEC. 8. The right of the people to be secure in their persons, houses, ers, and effects, against unreasonable seizures and searches, shall not be ated; and no warrant shall issue but on probable cause, supported by oath affirmation, particularly describing the place to be searched, and the per- s and things to be seized.

SEC. 9. The right of trial by jury shall remain inviolate; but the general embly may authorize trial by a jury of a less number than twelve men in rior courts; but no person shall be deprived of life, liberty, or property, hout due process of law.

SEC. 10. In all criminal prosecutions, and in cases involving the life or rty of an individual, the accused shall have a right to a speedy and public l by an impartial jury; to be informed of the accusation against him; to a copy of the same when demanded; to be confronted with the witnesses nst him; to have compulsory process for his witnesses; and to have the stance of counsel.

SEC. 11. All offenses less than felony, and in which the punishment does exceed a fine of one hundred dollars, or imprisonment for thirty days, l be tried summarily before a justice of the peace, or other officer author- by law, on information under oath, without indictment, or the inter- ion of a grand jury, saving to the defendant the right of appeal; and no on shall be held to answer for any higher criminal offense, unless on entment or indictment by a grand jury, except in cases arising in the y or navy, or in the militia, when in actual service, in time of war or ic danger.

SEC. 12. No person shall, after acquittal, be tried for the same offense. persons shall, before conviction, be bailable by sufficient sureties, except capital offenses, where the proof is evident, or the presumption great.

SEC. 13. The writ of habeas corpus shall not be suspended or refused n application is made as required by law, unless, in case of rebellion or sion, the public safety may require it.

SEC. 14. The military shall be subordinate to the civil power. No stand- army shall be kept up by the state in time of peace; and in time of war appropriation for a standing army shall be for a longer time than two rs.

SEC. 15. No soldier shall, in time of peace, be quartered in any house hout the consent of the owner, nor in time of war except in the manner cribed by law.

SEC. 16. Treason against the state shall consist only in levying war against dhering to its enemies, or giving them aid and comfort. No person shall convicted of treason, unless on the evidence of two witnesses to the same t act, or confession in open court.

SEC. 17. Excessive bail shall not be required; excessive fines shall not mposed, and cruel and unusual punishment shall not be inflicted.

SEC. 18. Private property shall not be taken for public use without just pensation first being made, or secured to be made, to the owner thereof, soon as the damages shall be assessed by a jury, who shall not take into

consideration any advantages that may result to said owner on account of the improvement for which it is taken.

The general assembly, however, may pass laws permitting the owners of lands to construct drains, ditches, and levees for agricultural, sanitary or mining purposes across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches and to keep in repair all drains, ditches and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The general assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.[1]

SEC. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.

SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

SEC. 21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 22. Foreigners who are, or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.

SEC. 23. There shall be no slavery in this state; nor shall there be involuntary servitude, unless for the punishment of crime.

SEC. 24. No lease or grant of agricultural lands, reserving any rent or service of any kind, shall be valid for a longer period than twenty years.

SEC. 25. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

[SEC. 26. No person shall manufacture for sale, or sell, or keep for sale, as a beverage any intoxicating liquors whatever, including ale, wine and beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.[2]]

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state six months next preceding the election, and of the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.[3]

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.

SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 4. No person in the military, naval or marine service of the United States shall be considered a resident of this state by being stationed in any garrison, barracks, or military or naval place or station within this state.

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[1]The second paragraph of section 18 is an amendment; it was proposed by the general assembly of 1906; re-adopted by the general assembly of 1907; ratified at the election of November 3, 1908, and certified adopted on November 23, 1908.

[2]Section 26 is a new section; it was proposed by the general assembly of 1880, re-adopted by the general assembly of 1882, and ratified at a special election held on June 27, 1882, and certified adopted on July 28, 1882. On April 21, 1883, the supreme court in Koehler and Lange v. Hill, 60 Iowa 543, held that owing to certain irregularities the amendment was not legally submitted to the electors, and hence did not become a part of the constitution.

[3]Amendment proposed by the general assembly of 1866; re-adopted by the general assembly of 1868; ratified at the election of November 3, 1868, and proclaimed adopted on December 8, 1868.

SEC. 5. No idiot or insane person, or person convicted of any infamous
ne, shall be entitled to the privilege of an elector.
SEC. 6. All elections by the people shall be by ballot.
[SEC. 7.] The general election for state, district, county and township officers
he year 1916 shall be held in the same month and on the same day as that
l by the laws of the United States for the election of presidential electors,
of president and vice-president of the United States; and thereafter such
tion shall be held at such time as the general assembly may by law provide.[4]

ARTICLE III.

OF THE DISTRIBUTION OF POWER.

SECTION 1. The powers of the government of Iowa shall be divided into
e separate departments; the legislative, the executive and the judicial;
no person charged with the exercise of powers properly belonging to one
hese departments shall exercise any function appertaining to either of the
rs, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of this state shall be vested in a gen-
assembly, which shall consist of a senate and house of representatives; and
style of every law shall be—"Be it enacted by the General Assembly of the
te of Iowa."

SEC. 2. The sessions of the general assembly shall be biennial, and shall
mence on the second Monday in January next ensuing the election of its
mbers; unless the governor of the state shall, in the meantime, convene the
eral assembly by proclamation.

SEC. 3. The members of the house of representatives shall be chosen every
nd year, by the qualified electors of their respective districts, on the second
sday in October, except the years of the presidential election, when the elec-
shall be on the Tuesday next after the first Monday in November, and
r term of office shall commence on the first day of January next after their
tion, and continue two years, and until their successors are elected and
lified.[5]

SEC. 4. No person shall be a member of the house of representatives who
ll not have attained the age of twenty-one years; be a male citizen of the
ted States, and shall have been an inhabitant of this state one year next
eding his election, and at the time of his election shall have had an actual
dence of sixty days in the county or district he may have been chosen to
resent.[6]

SEC. 5. Senators shall be chosen for the term of four years, at the same
e and place as representatives; they shall be twenty-five years of age, and
sess the qualifications of representatives as to residence and citizenship.

SEC. 6. The number of senators shall not be less than one-third nor more
n one-half the representative body; and shall be so classified by lot that
class, being as nearly one-half as possible, shall be elected every two years.
en the number of senators is increased, they shall be annexed by lot to one
he other of the two classes, so as to keep them as nearly equal in numbers
practicable.

SEC. 7. Each house shall choose its own officers, and judge of the qualifica-
, election, and return of its own members. A contested election shall be
rmined in such manner as shall be directed by law.

[4][Section 7] is a new section; it was proposed by the general assembly of
2; re-adopted by the general assembly of 1884; ratified at the election of Novem-
4, 1884, and certified as adopted on December 10, 1884. The present amend-
t was proposed by the general assembly of 1913; re-adopted by the general
mbly of 1915, and ratified on November 7, 1916. In the act by which this
ndment was proposed, this section is not numbered, but is inserted here as
ion 7.

[5]By the amendment (SEC. 7) inserted at the end of Article II, the date for
general election after 1916 is subject to change.

[6]Amendment proposed by the general assembly of 1878; re-adopted by the general
mbly of 1880, and ratified at the election of November 2, 1880, and proclaimed
pted on December 3, 1880.

SEC. 8. A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 9. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offense, and shall have all other powers necessary for a branch of the general assembly of a free and independent state.

SEC. 10. Every member of the general assembly shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

SEC. 11. Senators and representatives, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to or returning from the same.

SEC. 12. When vacancies occur in either house, the governor, or the person exercising the functions of governor, shall issue writs of election to fill such vacancies.

SEC. 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 15. Bills may originate in either house, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and the president of their respective houses.

SEC. 16. Every bill which shall have passed the general assembly, shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him (Sunday excepted), the same shall be a law in like manner as if he had signed it, unless the general assembly by adjournment, prevent such return. Any bill submitted to the governor for his approval during the last three days of a session of the general assembly, shall be deposited by him in the office of the secretary of state within thirty days after the adjournment, with his approval, if approved by him, and with his objections, if he disapproves thereof.

SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the general assembly.

SEC. 19. The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oaths or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 20. The governor, judges of the supreme and district courts, and other state officers, shall be liable to impeachment for any misdemeanor or malfeasance in office, but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under this state; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall

tried for misdemeanors and malfeasance in office, in such manner as the
eral assembly may provide.

SEC. 21. No senator or representative shall, during the time for which he
ll have been elected, be appointed to any civil office of profit under this
te, which shall have been created, or the emoluments of which shall have been
reased during such term, except such offices as may be filled by elections by
people.

SEC. 22. No person holding any lucrative office under the United States, or
s state, or any other power, shall be eligible to hold a seat in the general
mbly. But offices in the militia, to which there is attached no annual salary,
the office of justice of the peace, or postmaster, whose compensation does
exceed one hundred dollars per annum, or notary public, shall not be deemed
rative.

SEC. 23. No person who may hereafter be a collector or holder of public
neys, shall have a seat in either house of the general assembly, or be eligible
hold any office of trust or profit in this state, until he shall have accounted
and paid into the treasury all sums for which he may be liable.

SEC. 24. No money shall be drawn from the treasury but in consequence of
ropriations made by law.

SEC. 25. Each member of the first general assembly under this constitution
ll receive three dollars per diem while in session; and the further sum of
e dollars for every twenty miles traveled in going to and returning from the
e where such session is held, by the nearest traveled route; after which
shall receive compensation as shall be fixed by law; but no general assem-
shall have the power to increase the compensation of its members. And
n convened in extra session they shall receive the same mileage and per
n compensation as fixed by law for the regular session, and none other.

SEC. 26. No law of the general assembly, passed at a regular session, of a
lic nature, shall take effect until the fourth day of July next, after the
sage thereof. Laws passed at a special session shall take effect ninety days
r the adjournment of the general assembly by which they were passed. If
general assembly shall deem any law of immediate importance, they may
ide that the same shall take effect by publication in newspapers in the
e.

SEC. 27. No divorce shall be granted by the general assembly.

SEC. 28. No lottery shall be authorized by this state; nor shall the sale
ottery tickets be allowed.

SEC. 29. Every act shall embrace but one subject, and matters properly
nected therewith; which subject shall be expressed in the title. But if any
ject shall be embraced in an act which shall not be expressed in the title,
act shall be void only as to so much thereof as shall not be expressed in
title.

SEC. 30. The general assembly shall not pass local or special laws in the
wing cases:

For the assessment and collection of taxes for state, county, or road pur-
s;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated and in all other cases where a general law
be made applicable, all laws shall be general, and of uniform operation
ughout the state; and no law changing the boundary lines of any county
l have effect until upon being submitted to the people of the counties affected
he change, at a general election, it shall be approved by a majority of the
s in each county, cast for and against it.

SEC. 31. No extra compensation shall be made to any officer, public agent,
ontractor, after the service shall have been rendered, or the contract en-
d into; nor shall any money be paid on any claim, the subject-matter of
h shall not have been provided for by pre-existing laws, and no public

money or property shall be appropriated for local or private purposes, unless such appropriation, compensation, or claim be allowed by two-thirds of the members elected to each branch of the general assembly.

SEC. 32. Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will faithfully discharge the duties of senator (or representative, as the case may be), according to the best of my ability." And members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

SEC. 33. The general assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the state.[7]

SEC. 34. The senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census.

SEC. 35. The house of representatives shall consist of not more than one hundred and eight members. The ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census, by the whole number of counties the existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three-fifths or more of such ratio number shall be entitled to one additional representative, but such addition shall extend only to the nine counties having the greatest population.

SEC. 36. The general assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation and apportion the additional representatives, as hereinbefore required.[9]

SEC. 37. When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

SEC. 38. In all elections by the general assembly, the members thereof shall vote viva voce, and the votes shall be entered on the journal.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Iowa.

SEC. 2. The governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

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[7]Amendment proposed by the general assembly of 1866; re-adopted by the general assembly of 1868; ratified at the election of November 3, 1868, and proclaimed adopted on December 8, 1868.

[8]Sections 34 and 35 have been amended twice; the first amendment proposed by the general assembly of 1866; re-adopted by the general assembly of 1868; ratified at the election of November 3, 1868, and proclaimed adopted on December 8, 1868. The present amendment was proposed by the general assembly of 1902; re-adopted by the general assembly of 1904; ratified at the election of November 8, 1904, and certified adopted on November 29, 1904.

[9]Amendment proposed by the general assembly of 1902; re-adopted by the general assembly of 1904; ratified at the election of November 8, 1904, and certified adopted on November 29, 1904.

SEC. 3. There shall be a lieutenant-governor, who shall hold his office years, and be elected at the same time as the governor. In voting for ernor and lieutenant-governor, the electors shall designate for whom they e as governor, and for whom as lieutenant-governor. The returns of every tion for governor and lieutenant-governor shall be sealed up and trans- ted to the seat of government of the state, directed to the speaker of the se of representatives, who shall open and publish them in the presence of h houses of the general assembly.

SEC. 4. The persons respectively having the highest number of votes, for ernor and lieutenant-governor, shall be declared duly elected, but in case or more persons shall have an equal, and the highest number of votes for er office, the general assembly shall, by joint vote, forthwith proceed to t one of said persons governor, or lieutenant-governor, as the case may be.

SEC. 5. Contested elections for governor, or lieutenant-governor, shall be rmined by the general assembly in such manner as may be prescribed by

SEC. 6. No person shall be eligible to the office of governor, or lieutenant- ernor, who shall not have been a citizen of the United States, and a resi- t of the state two years next preceding the election, and attained the age of ty years at the time of said election.

SEC. 7. The governor shall be commander-in-chief of the militia, the army, navy of this state.

SEC. 8. He shall transact all executive business with the officers of gov- nment, civil and military, and may require information in writing from officers of the executive department upon any subject relating to the duties heir respective offices.

SEC. 9. He shall take care that the laws are faithfully executed.

SEC. 10. When any office shall, from any cause, become vacant, and no le is provided by the constitution and laws for filling such vacancy, the ernor shall have power to fill such vacancy, by granting a commission, ch shall expire at the end of the next session of the general assembly, or he next election by the people.

SEC. 11. He may, on extraordinary occasions, convene the general assem- by proclamation, and shall state to both houses, when assembled, the pur- e for which they shall have been convened.

SEC. 12. He shall communicate, by message, to the general assembly, at y regular session, the condition of the state, and recommend such matters he shall deem expedient.

SEC. 13. In case of disagreement between the two houses with respect to time of adjournment, the governor shall have power to adjourn the general mbly to such time as he may think proper; but no such adjournment shall beyond the time fixed for the regular meeting of the next general assembly.

SEC. 14. No person shall, while holding any office under the authority of United States, or this state, execute the office of governor, or lieutenant- ernor, except as hereinafter expressly provided.

SEC. 15. The official term of governor and lieutenant-governor, shall com- ence on the second Monday of January next after their election, and continue two years, and until their successors are elected and qualified. The lieu- ant-governor, while acting as governor, shall receive the same pay as pre- d for governor; and while presiding in the senate, shall receive as com- sation therefor, the same mileage and double the per diem pay provided for nator, and none other.

SEC. 16. The governor shall have power to grant reprieves, commutations pardons, after conviction, for all offenses except treason and cases of eachment, subject to such regulations as may be provided by law. Upon viction for treason, he shall have power to suspend the execution of the ence until the case shall be reported to the general assembly at its next ion, when the general assembly shall either grant a pardon, commute the ence, direct the execution of the sentence, or grant a further reprieve. He l have power to remit fines and forfeitures, under such regulations as may prescribed by law; and shall report to the general assembly, at its next

meeting, each case of reprieve, commutation, or pardon granted, and the reasons therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SEC. 18. The lieutenant-governor shall be president of the senate, but shall only vote when the senate is equally divided, and in case of his absence or impeachment, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

SEC. 19. If the lieutenant-governor, while acting as governor, shall be impeached, displaced, resign, or die, or otherwise become incapable of performing the duties of the office, the president pro tempore of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 20. There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Iowa.

SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the state of Iowa, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

SEC. 22. A secretary of state, auditor of state, and treasurer of state, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified; and perform such duties as may be required by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in a supreme court, district court, and such other courts, inferior to the supreme court, as the general assembly may, from time to time, establish.

SEC. 2. The supreme court shall consist of three judges, two of whom shall constitute a quorum to hold court.

SEC. 3. The judges of the supreme court shall be elected by the qualified electors of the state, and shall hold their court at such time and place as the general assembly may prescribe. The judges of the supreme court so elected shall be classified so that one judge shall go out of office every two years; and the judge holding the shortest term of office under such classification, shall be chief justice of the court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each judge of the supreme court shall be six years, and until his successor shall have been elected and qualified. The judges of the supreme courts shall be ineligible to any other office in the state, during the term for which they shall have been elected.

SEC. 4. The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may by law prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the state.

SEC. 5. The district court shall consist of a single judge, who shall be elected by the qualified electors of the district in which he resides. The judge of the district court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of judge of the supreme court, during the term for which he was elected.

SEC. 6. The district court shall be a court of law and equity, which shall distinct and separate jurisdictions, and have jurisdiction in civil and crim- matters arising in their respective districts, in such manner as shall be scribed by law.

SEC. 7. The judges of the supreme and district court shall be conservators he peace throughout the state.

SEC. 8. The style of all process shall be "The State of Iowa," and all secutions shall be conducted in the name and by the authority of the e.

SEC. 9. The salary of each judge of the supreme court shall be two thou- l dollars per annum; and that of each district judge one thousand six lred dollars per annum, until the year eighteen hundred and sixty; after h time they shall severally receive such compensation as the general mbly may, by law, prescribe; which compensation shall not be increased liminished during the term for which they shall have been elected.

SEC. 10. The state shall be divided into eleven judicial districts; and after year eighteen hundred and sixty, the general assembly may reorganize the cial districts, and increase or diminish the number of districts, or the ber of judges of the said court, and may increase the number of judges of supreme court; but such increase or diminution shall not be more than district, or one judge of either court, at any one session; and no reorgani- on of the districts, or diminution of the judges, shall have the effect of oving a judge from office. Such reorganization of the districts, or any nge in the boundaries thereof, or any increase or diminution of the num- of judges, shall take place every four years thereafter, if necessary, and at other time.

At any regular session of the general assembly, the state may be divided the necessary judicial districts for district court purposes, or the said ricts may be reorganized and the number of the districts and the judges of courts increased or diminished; but no reorganization of the districts or inution of the judges shall have the effect of removing a judge from office.[10]

SEC. 11. The judges of the supreme and district courts shall be chosen at general election; and the term of office of each judge shall commence on first day of January next after his election.

SEC. 12. The general assembly shall provide, by law, for the election of ttorney-general by the people, whose term of office shall be two years, until his successor shall have been elected and qualified.

SEC. 13. The qualified electors of each county shall, at the general elec- in the year eighteen hundred and eighty-six, and every two years there- r elect a county attorney, who shall be a resident of the county for which s elected, and shall hold his office for two years, and until his successor l have been elected and qualified.[11]

SEC. 14. It shall be the duty of the general assembly to provide for the ying into effect of this article, and to provide for a general system of prac- in all the courts of this state.

[SEC. 15.] The grand jury may consist of any number of members not than five, nor more than fifteen, as the general assembly may by law ide, or the general assembly may provide for holding persons to answer any criminal offense without the intervention of the grand jury.[12]

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[10] The second paragraph of section 10 is an amendment; it was proposed by the ral assembly of 1882; was re-adopted by the general assembly of 1884; was ed at the election of November 4, 1884, and certified as adopted on December 1884.

[11] Amendment proposed by the general assembly of 1882; re-adopted by the general mbly of 1884; ratified at the election of November 4, 1884, and certified adopted December 10, 1884.

[12] Amendment proposed by the general assembly of 1882; re-adopted by the general mbly of 1884, ratified at the election of November 4, 1884, and certified adopted December 10, 1884.

ARTICLE VI.

MILITIA.

SECTION 1. The militia of this state shall be composed of all able-bodied male citizens, between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this state; and shall be armed, equipped, and trained, as the general assembly may provide by law.[13]

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; provided that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

SEC. 3. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor.

ARTICLE VII.

STATE DEBTS.

SECTION 1. The credit of the state shall not in any manner be given or loaned to, or in aid of, any individual, association, or corporation; and the state shall never assume, or become responsible for the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the state.

SEC. 2. The state may contract debts to supply casual deficits or failures in revenue; or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtaained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 3. All losses to the permanent school, or university fund of this state, which shall have been occasioned by the defalcation, mismanagement, or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state, in favor of the respective fund sustaining the loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

SEC. 4. In addition to the above limited power to contract debts, this state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by, or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one

[13] Amendment proposed by the general assembly of 1866; re-adopted by the general assembly of 1868; ratified at the election of November 3, 1868, and proclaimed adopted on December 8, 1868.

wspaper in each county, if one is published therein, throughout the state, three months preceding the election at which it is submitted to the people.

SEC. 6. The legislature may, at any time, after the approval of such by the people, if no debt shall have been contracted in pursuance thereof, peal the same; and may at any time forbid the contracting of any further bt, or liability, under such law; but the tax imposed by such law, in proortion to the debt or liability which may have been contracted in pursuance reof, shall remain in force and be irrepealable, and be annually collected, til the principal and interest are fully paid.

SEC. 7. Every law which imposes, continues, or revises a tax, shall disctly state the tax, and the object to which it is to be applied; and it shall t be sufficient to refer to any other law to fix such tax or object.

ARTICLE VIII.

CORPORATIONS.

SECTION 1. No corporation shall be created by special laws; but the genl assembly shall provide by general laws, for the organization of all corrations hereafter to be created, except as hereinafter provided.

SEC. 2. The property of all corporations for pecuniary profit shall be bject to taxation the same as that of individuals.

SEC. 3. The state shall not become a stockholder in any corporation, nor ll it assume or pay the debt or liability of any corporation, unless incurred time of war for the benefit of the state.

SEC. 4. No political or municipal corporation shall become a stockholder any banking corporation, directly or indirectly.

SEC. 5. No act of the general assembly, authorizing or creating corporans or associations with banking powers, nor amendments thereto, shall take fect, or in any manner be in force, until the same shall have been submitted, parately, to the people at a general or special election, as provided by law, be held not less than three months after the passage of the act, and shall ve been approved by a majority of all the electors voting for and against it such election.

SEC. 6. Subject to the provisions of the foregoing section, the general sembly may also provide for the establishment of a state bank with branches.

SEC. 7. If a state bank be established, it shall be founded on an actual ecie basis, and the branches shall be mutually responsible for each other's bility upon all notes, bills and other issues intended for circulation as ney.

SEC. 8. If a general banking law shall be enacted, it shall provide for the gistry and countersigning, by an officer of state, of all bills, or paper credit signed to circulate as money, and require security to the full amount thereof, be deposited with the state treasurer, in United States stocks, or in interestring stocks of states in good credit and standing, to be rated at ten per cent ow their average value in the city of New York, for the thirty days next ceeding their deposit; and in case of a depreciation of any portion of such ck, to the amount of ten per cent on the dollar, the bank or bank owning id stock shall be required to make up said deficiency by depositing additional cks; and said law shall also provide for the recording of the names of all ckholders in such corporations, the amount of stock held by each, the time any transfer, and to whom.

SEC. 9. Every stockholder in a banking corporation or institution shall be ividually responsible and liable to its creditors, over and above the amount stock by him or her held, to an amount equal to his or her respective shares held, for all its liabilities accruing while he or she remains such stockholder.

SEC. 10. In case of the insolvency of any banking institution, the billders shall have a preference over its other creditors.

SEC. 11. The suspension of specie payments by banking institutions shall er be permitted or sanctioned.

SEC. 12. Subject to the provisions of this article, the general assembly

shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the general assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.

EDUCATION AND SCHOOL LANDS.

1—*Education.*

SECTION 1. The educational interest of the state, including common schools and other educational institutions, shall be under the management of a board of education, which shall consist of the lieutenant-governor, who shall be the presiding officer of the board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the state.

SEC. 2. No person shall be eligible as a member of said board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the state.

SEC. 3. One member of said board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this constitution, the board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years; and one-half of the board shall be chosen every two years thereafter.

SEC. 4. The first session of the board of education shall be held at the seat of government, on the first Monday of December, after their election; after which the general assembly may fix the time and place of meeting.

SEC. 5. The session of the board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the board, the governor may order a special session.

SEC. 6. The board of education shall appoint a secretary, who shall be the executive officer of the board, and perform such duties as may be imposed upon him by the board, and the laws of the state. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the general assembly.

SEC. 7. All rules and regulations made by the board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the board and when so made, published, and distributed, they shall have the force and effect of law.

SEC. 8. The board of education shall have full power and authority to legislate and make all needful rules and regulations in relation to common schools, and other educational institutions, that are instituted, to receive aid from the school or university fund of this state; but all acts, rules and regulations of said board may be altered, amended, or repealed by the general assembly; and when so altered, amended, or repealed, they shall not be reenacted by the board of education.

SEC. 9. The governor of the state shall be, ex-officio, a member of said board.

SEC. 10. The board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the general assembly.

SEC. 11. The state university shall be established at one place without branches at any other place, and the university fund shall be applied to that institution, and no other.

SEC. 12. The board of education shall provide for the education of all the youths of the state, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, as aforesaid, may be deprived of their portion of the school fund.

SEC. 13. The members of the board of education shall each receive the ne per diem during the term of their session, and mileage going to and urning therefrom, as members of the general assembly.

SEC. 14. A majority of the board shall constitute a quorum for the trans- ion of business; but no rule, regulation, or law, for the government of com- n schools or other educational institutions shall pass without the concurrence a majority of all the members of the board, which shall be expressed by the s and nays on the final passage. The style of all acts of the board shall be, e it enacted by the board of education of the state of Iowa."

SEC. 15. At any time after the year one thousand eight hundred and sixty- ee, the general assembly shall have power to abolish or reorganize said board education, and provide for the educational interest of the state in any other nner that to them shall seem best and proper.[14]

2—School Funds and School Lands.

SECTION 1. The educational and school fund and lands, shall be under the ntrol and management of the general assembly of this state.

SEC. 2. The university lands, and the proceeds thereof, and all moneys onging to said fund shall be a permanent fund for the sole use of the state versity. The interest arising from the same shall be annually appropriated the support and benefit of said university.

SEC. 3. The general assembly shall encourage, by all suitable means, the motion of intellectual, scientific, moral, and agricultural improvement. The ceeds of all lands that have been, or hereafter may be, granted by the United tes to this state, for the support of schools, which may have been or shall reafter be sold, or disposed of, and the five hundred thousand acres of land nted to the new states, under the act of Congress, distributing the proceeds the public lands among the several states of the Union, approved in the ar of our Lord one thousand eight hundred and forty-one, and all estates of eased persons who may have died without leaving a will or heir, and also h per cent as has been or may hereafter be granted by congress, on the e of lands in this state, shall be and remain a perpetual fund, the interest which, together with all rents of the unsold lands, and such other means the general assembly may provide, shall be inviolably appropriated to the pport of common schools throughout the state.

SEC. 4. The money which may have been or shall be paid by persons as an uivalent for exemption from military duty, and the clear proceeds of all s collected in the several counties for any breach of the penal laws, shall exclusively applied in the several counties in which such money is paid, or collected, among the several school districts of said counties, in proportion the number of youths subject to enumeration in such districts, to the sup- t of common schools, or the establishment of libraries, as the board of educa- n shall from time to time provide.

SEC. 5. The general assembly shall take measures for the protection, provement, or other disposition of such lands as have been, or may here- er be reserved, or granted by the United States, or any person or persons this state, for the use of the university, and the funds accruing from the nts or sale of such lands, or from any other source for the purpose aforesaid, ll be, and remain, a permanent fund, the interest of which shall be applied the support of said university, for the promotion of literature, the arts and ences, as may be authorized by the terms of such grant. And it shall be duty of the general assembly, as soon as may be, to provide effectual ans for the improvement and permanent security of the funds of said uni- sity.

SEC. 6. The financial agents of the school funds shall be the same that, by , receive and control the state and county revenue, for other civil purposes, der such regulations as may be provided by law.

SEC. 7. The money subject to the support and maintenance of common

[14]The board of education was abolished by the general assembly of 1864, 10th A., Chapt. 52, Sec. 1.

schools shall be distributed to the districts in proportion to the number of youths, between the ages of five and twenty-one years, in such manner as may be provided by the general assembly.

ARTICLE X.

AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either house of the general assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner, and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the general assembly may, by law, provide, the question, "Shall there be a convention to revise the constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a convention for such purpose, the general assembly, at its next session, shall provide by law for the election of delegates to such convention.

ARTICLE XI.

MISCELLANEOUS.

SECTION 1. The jurisdiction of justices of the peace shall extend to all civil cases (except cases in chancery, and cases where the question of title to real estate may arise), where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SEC. 2. No new county shall be hereafter created containing less than four hundred and thirty-two square miles; nor shall the territory of any organized county be reduced below that area; except the county of Worth, and the counties west of it along the northern boundary of this state, may be organized without additional territory.

SEC. 3. No county, or other political or municipal corporation shall be allowed to become indebted in any manner, or for any purpose, to an amount in the aggregate, exceeding five per centum on the value of the taxable property within such county or corporation to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness.

SEC. 4. The boundaries of the state may be enlarged, with the consent of congress and the general assembly.

SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office.

SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office, shall

hold until the next general election, and until their successors are elected and qualified.

SEC. 7. The general assembly shall not locate any of the public lands which have been, or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted, shall not exceed three hundred and twenty acres.

SEC. 8. The seat of government is hereby permanently established, as now fixed by law, at the city of Des Moines, in the county of Polk; and the state university at Iowa City, in the county of Johnson.

ARTICLE XII.

SCHEDULE.

SECTION 1. This constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2. All laws now in force, and not inconsistent with this constitution, shall remain in force until they shall expire or be repealed.

SEC. 3. All indictments, prosecutions, suits, pleas, plaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari, and injunctions, shall be carried on in the several courts, in the same manner as now provided by law, and all offenses, misdemeanors, and crimes that may have been committed before the taking effect of this constitution, shall be subject to indictment, trial, and punishment, in the same manner as they would have been had not this constitution been made.

SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the state, or to any county therein, or to the school fund, shall inure to the state, county or school fund, in the manner prescribed by law.

SEC. 5. All bonds executed to the state, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SEC. 6. The first election under this constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the state shall elect the governor and lieutenant-governor. There shall also be elected at such election, the successors of such state senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the house of representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the general assembly which commenced on the first Monday of December, one thousand eight hundred and fifty-six.

SEC. 7. The first election for secretary, auditor, and treasurer of state, attorney-general, district judges, members of the board of education, district attorneys, members of congress, and such state officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven (except the superintendent of public instruction), and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except prosecuting attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight; provided that the time for which any district judge or other state or county officer elected at the April election in the year one thousand eight hundred and fifty-eight shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.

SEC. 8. The first election for judges of the supreme court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

SEC. 9. The first regular session of the general assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

SEC. 10. Senators elected at the August election, in the year one thousand

eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successors shall be elected as may be prescribed by law.

SEC. 11. Every person elected by popular vote, by a vote of the general assembly, or who may hold office by executive appointment, which office is continued by this constitution, and every person who shall be so elected or appointed to any such office, before the taking effect of this constitution (except as in this constitution otherwise provided), shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person shall continue in office after the taking effect of this constitution, for a longer period than the term of such office, in this constitution prescribed.

SEC. 12. The general assembly, at the first session under this constitution, shall district the state into eleven judicial districts, for district court purposes; and shall also provide for the apportionment of the members of the general assembly in accordance with the provisions of this constitution.

SEC. 13. This constitution shall be submitted to the electors of the state at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this state. The ballots at such election shall be written or printed as follows: Those in favor of the constitution, "new constitution—yes." Those against the constitution, "new constitution—no." The elections shall be conducted in the same manner as the general elections of the state, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the secretary of state, which abstracts shall be canvassed in the manner provided for the canvass of state officers. And if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation.

SEC. 14. At the same election that this constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white," from the article on the "right of suffrage," shall be separately submitted to the electors of this state for adoption or rejection, in the manner following, viz.: A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "shall the word 'white' be stricken out of the article on the 'right of suffrage?' yes." And those given against the proposition shall have the words, "shall the word 'white' be stricken out of the article on the 'right of suffrage?' no." And if at said election the number of ballots cast in favor of said proposition, shall be equal to a majority of those cast for and against this constitution, then said word "white" shall be stricken from said article and be no part thereof.

SEC. 15. Until otherwise directed by law, the county of Mills shall be in and a part of the sixth judicial district of this state.

SEC. 16. The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and six, and general elections shall be held biennially thereafter. In the year one thousand nine hundred and six there shall be elected a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney-general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire on December 31st, one thousand nine hundred and six, state senators who would otherwise be chosen in the year one thousand nine hundred and five, and members of the house of representatives. The terms of office of the judges of the supreme court which would otherwise expire on December 31st, in odd-numbered years, and all other elective state, county and township officers, whose terms of office would otherwise expire in January in the year one thousand nine hundred and six, and members of the general assembly whose successors would otherwise be chosen at the general election in the year one thousand nine hundred and five, are hereby extended one year and until their

successors are elected and qualified. The terms of offices of senators whose successors would otherwise be chosen in the year one thousand nine hundred and seven are hereby extended one year and until their successors are elected and qualified. The general assembly shall make such changes in the law governing the time of election and terms of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice. The general assembly shall meet in regular session on the second Monday in January, in the year one thousand nine hundred and six, and also on the second Monday in January in the year one thousand nine hundred and seven, and biennially thereafter.[15]

Done in convention at Iowa City, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States of America, the eighty-first.

In testimony whereof, we have hereunto subscribed our names:

Attest: FRANCIS STRINGER, *President.*

TH. J. SAUNDER, *Secretary.*

E. N. BATES, *Assistant Secretary.*

[15]Section 16 is a new section; it was proposed by the general assembly of 1902; re-adopted by the general assembly of 1904; ratified at the general election of November 8, 1904, and certified adopted on November 29, 1904.

CONSTITUTION OF KANSAS—1859*

PREAMBLE.

We, the people of Kansas, grateful to Almighty God for our civil and religious privileges, in order to insure the full enjoyment of our rights as American citizens, do ordain and establish this constitution of the state of Kansas, with the following boundaries, to wit: Beginning at a point on the western boundary of the state of Missouri, where the thirty-seventh parallel of north latitude crosses the same; thence running west on said parallel to the twenty-fifth meridian of longitude west from Washington; thence north on said meridian to the fortieth parallel of north latitude; thence east on said parallel to the western boundary of the state of Missouri; thence south with the western boundary of said state to the place of beginning.

BILL OF RIGHTS.

SECTION 1. All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and are instituted for their equal protection and benefit. No special privileges or immunities shall ever be granted by the legislature, which may not be altered, revoked or repealed by the same body; and this power shall be exercised by no other tribunal or agency.

SEC. 3. The people have the right to assemble, in a peaceable manner, to consult for their common good, to instruct their representatives, and to petition the government, or any department thereof, for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate.

SEC. 6. There shall be no slavery in this state; and no involuntary servitude, except for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 7. The right to worship God according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend or support any form of worship; nor shall any control of or interference with the rights of conscience be permitted, nor any preference be given by law to any religious establishment or mode of worship. No religious test or property qualification shall be required for any office of public trust, nor for any vote at any election; nor shall any person be incompetent to testify on account of religious belief.

SEC. 8. The right to the writ of habeas corpus shall not be suspended, unless the public safety requires it in case of invasion or rebellion.

SEC. 9. All persons shall be bailable by sufficient sureties except for capital offenses where proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted.

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*The constitution of Kansas was drafted by a convention which assembled at Wyandotte on July 5, 1859, and adjourned on July 29, 1859. The constitution was submitted to the voters for ratification or rejection at an election held on October 4, 1859; at the same election each voter was permitted to vote on the question of the adoption or rejection of Section 9 of Article 15, relative to homestead exemptions. The constitution was adopted by a vote of 10,421 to 5,530, and the homestead provision by a vote of 8,758 to 4,772. The constitution became effective on January 29, 1861.

SEC. 10. In all prosecutions, the accused shall be allowed to appear and defend in person or by counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face, and to have compulsory process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed. No person shall be a witness against himself, or be twice put in jeopardy for the same offense.

SEC. 11. The liberty of the press shall be inviolate, and all persons may freely speak, write or publish their sentiments on all subjects, being responsible for the abuse of such right; and in all civil or criminal actions for libel, the truth may be given in evidence to the jury, and if it shall appear that the alleged libelous matter was published for justifiable ends, the accused party shall be acquitted.

SEC. 12. No person shall be transported from the state for any offense committed within the same, and no conviction in the state shall work a corruption of blood or forfeiture of estate.

SEC. 13. Treason shall consist only in levying war against the state, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the overt act, or confession in open court.

SEC. 14. No soldier shall, in time of peace, be quartered in any house without the consent of the occupant, nor in time of war, except as prescribed by law.

SEC. 15. The right of the people to be secure in their persons and property against unreasonable searches and seizures, shall be inviolate; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons or property to be seized.

SEC. 16. No person shall be imprisoned for debt, except in cases of fraud.

SEC. 17. No distinction shall ever be made between citizens of the state of Kansas and the citizens of other states and territories of the United States in reference to the purchase, enjoyment or descent of property. The rights of aliens in reference to the purchase, enjoyment or descent of property may be regulated by law.[1]

SEC. 18. All persons, for injuries suffered in person, reputation or property, shall have remedy by due course of law, and justice administered without delay.

SEC. 19. No hereditary emoluments, honors, or privileges shall ever be granted or conferred by the state.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE I.

EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, attorney-general, and superintendent of public instruction, who shall be chosen by the electors of the state at the time and place of voting for members of the legislature, and shall hold their offices for the term of two years from the second Monday in January next after their election, and until their successors are elected and qualified.

SEC. 2. Until otherwise provided by law, an abstract of the returns of every election, for the officers named in the foregoing section, shall be sealed up and transmitted by the clerks of the boards of canvassers of the several counties, to the secretary of state, who, with the lieutenant governor and attorney-general, shall constitute a board of state canvassers, whose duty it

[1]Amendment proposed by the legislature of 1887 and ratified at the election of November 6, 1888. The text of the original section is as follows: § 17. No distinction shall ever be made between citizens and aliens in reference to the purchase, enjoyment or descent of property.

shall be to meet at the state capital on the second Tuesday of December succeeding each election for state officers, and canvass the vote for such officers and proclaim the result; but in case any two or more have an equal and the highest number of votes, the legislature shall by joint ballot choose one of said persons so having an equal and the highest number of votes for said office.

SEC. 3. The supreme executive power of the state shall be vested in a governor, who shall see that the laws are faithfully executed.

SEC. 4. He may require information in writing from the officers of the executive department, upon any subject relating to their respective duties.

SEC. 5. He may, on extraordinary occasions, convene the legislature by proclamation, and shall, at the commencement of every session, communicate in writing such information as he may possess in reference to the condition of the state, and recommend such measures as he may deem expedient.

SEC. 6. In case of disagreement between the two houses in respect to the time of adjournment, he may adjourn the legislature to such time as he may think proper, not beyond its regular meeting.

SEC. 7. The pardoning power shall be vested in the governor, under regulations and restrictions prescribed by law.

SEC. 8. There shall be a seal of the state, which shall be kept by the governor, and used by him officially; and which shall be the great seal of Kansas.

SEC. 9. All commissions shall be issued in the name of the state of Kansas, signed by the governor, countersigned by the secretary of state, and sealed with the great seal.

SEC. 10. No member of congress, or officer of the state, or of the United States, shall hold the office of governor, except as herein provided.

SEC. 11. In case of the death, impeachment, resignation, removal or other disability of the governor, the power and duties of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the president of the senate.

SEC. 12. The lieutenant governor shall be president of the senate, and shall vote only when the senate is equally divided. The senate shall choose a president pro tempore, to preside in case of his absence or impeachment, or when he shall hold the office of governor.

SEC. 13. If the lieutenant governor, while holding the office of governor, shall be impeached or displaced, or shall resign or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 14. Should either the secretary of state, auditor, treasurer, attorney-general, or superintendent of public instruction, become incapable of performing the duties of his office for any of the causes specified in the thirteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor is elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the unexpired term.

SEC. 15. The officers mentioned in this article shall, at stated times, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 16. The officers of the executive department, and of all public state institutions, shall, at least ten days preceding each regular session of the legislature, severally report to the governor, who shall transmit such reports to the legislature.

ARTICLE II.

LEGISLATIVE.

SECTION 1. The legislative power of this state shall be vested in a house of representatives and senate.

SEC. 2. The number of representatives and senators shall be regulated by law, but shall never exceed one hundred and twenty-five representatives and forty senators. From and after the adoption of the amendment the house of representatives shall admit one member for each county in which at least two hundred and fifty legal votes were cast at the next preceding general election; and each organized county in which less than two hundred legal votes were cast at the next preceding general election shall be attached to and constitute a part of the representative district of the county lying next adjacent to it on the east.[2]

SEC. 3. The members of the legislature shall receive as compensation for their services the sum of three dollars for each day's actual service at any regular or special session, and fifteen cents for each mile traveled by the usual route in going to and returning from the place of meeting; but such compensation shall not in the aggregate exceed the sum of two hundred and forty dollars for each member as per diem allowance for the first session held under this constitution, nor more than one hundred and fifty dollars for each session thereafter, nor more than ninety dollars for any special session.

SEC. 4. No person shall be a member of the legislature who is not at the time of his election a qualified voter of, and a resident in, the county or district for which he is elected.

SEC. 5. No member of congress or officer of the United States shall be eligible to a seat in the legislature. If any person, after his election to the legislature, be elected to congress or elected or appointed to any office under the United States, his acceptance thereof shall vacate his seat.

SEC. 6. No person convicted of embezzlement or misuse of the public funds shall have a seat in the legislature.

SEC. 7. All state officers before entering upon their respective duties shall take and subscribe an oath or affirmation to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of their respective offices.

SEC. 8. A majority of each house shall constitute a quorum. Each house shall establish its own rules; and shall be judge of the elections, returns and qualifications of its own members.

SEC. 9. All vacancies occurring in either house shall be filled for the unexpired term by election.

SEC. 10. Each house shall keep and publish a journal of its proceedings. The yeas and nays shall be taken and entered immediately on the journal, upon the final passage of every bill or joint resolution. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted.

SEC. 11. Any member of either house shall have the right to protest against any act or resolution; and such protest shall, without delay or alteration, be entered on the journal.

SEC. 12. Bills may originate in either house, but may be amended or rejected by the other.[3]

SEC. 13. A majority of all the members elected to each house, voting in the affirmative, shall be necessary to pass any bill or joint resolution.

[2]Amendment proposed by the legislature of 1873 and ratified at the election of November 4, 1873. The text of the original section is as follows: § 2. The first house of representatives under this constitution shall consist of seventy-five members, who shall be chosen for one year. The first senate shall consist of twenty-five members, who shall be chosen for two years. After the first election, the number of senators and members of the house of representatives shall be regulated by law, but shall never exceed one hundred representatives and thirty-three senators.

[3]Amendment proposed by the legislature of 1864 and ratified at the election of November 8, 1864. The text of the original section is as follows: § 12. All bills shall originate in the house of representatives and be subject to amendment or rejection by the senate.

SEC. 14. Every bill and joint resolution passed by the house of repre sentatives and senate shall, within two days thereafter, be signed by th presiding officers, and presented to the governor; if he approve, he shall sig it; but if not, he shall return it to the house of representatives, which sha enter the objections at large upon its journal and proceed to reconsider th same. If, after such reconsideration, two-thirds of the members elected sha agree to pass the bill or resolution, it shall be sent, with the objections, to th senate, by which it shall likewise be reconsidered, and if approved by two thirds of all the members elected, it shall become a law; but in all such case the vote shall be taken by yeas and nays, and entered upon the journal c each house. If any bill shall not be returned within three days (Sunday excepted) after it shall have been presented to the governor, it shall becom a law in like manner as if he had signed it, unless the legislature, by it adjournment, prevent its return, in which case it shall not become a law. I any bill presented to the governor contains several items of appropriation c money, he may object to one or more of such items, while approving the othe portion of the bill; in such case he shall append to the bill, at the time c signing it, a statement of the item or items to which he objects, and th reasons therefor, and shall transmit such statement, or a copy thereof, to th house of representatives, and any appropriations so objected to shall not tak effect unless reconsidered and approved by two-thirds of the members electe to each house, and, if so reconsidered and approved, shall take effect an become a part of the bill, in which case the presiding officers of each hous shall certify on such bill such fact of reconsideration and approval.[4]

SEC. 15. Every bill shall be read on three separate days in each hous unless in case of emergency. Two-thirds of the house where such bill is pend ing may, if deemed expedient, suspend the rules; but the reading of the bi by sections on its final passage shall in no case be dispensed with.

SEC. 16. No bill shall contain more than one subject, which shall b clearly expressed in its title, and no law shall be revived or amended unles the new act contain the entire act revived or the section or sections amended and the section or sections so amended shall be repealed.

SEC. 17. All laws of a general nature shall have a uniform operatio throughout the state; and in all cases where a general law can be mad applicable, no special law shall be enacted; and whether or not a law enacte is repugnant to this provision of the constitution shall be construed and dete mined by the courts of the state.[5]

SEC. 18. All power to grant divorces is vested in the district court, sub ject to regulation by law.

SEC. 19. The legislature shall prescribe the time when its acts shall b in force, and shall provide for the speedy publication of the same; and no law of a general nature shall be in force until the same be published. It sha have the power to provide for the election or appointment of all officers, an the filling of all vacancies not otherwise provided for in this constitution.

SEC. 20. The enacting clause of all laws shall be "Be it enacted by th legislature of the state of Kansas"; and no law shall be enacted except b bill.

[4]Amendment proposed by the legislature of 1903 and ratified at the election o November 8, 1904. The text of the original section is as follows: § 14. Every bil and joint resolution passed by the house of representatives and senate shall, within two days thereafter, be signed by the presiding officers, and presented to the governor if he approve, he shall sign it; but, if not, he shall return it to the house of repre sentatives, which shall enter the objections at large upon its journal and proceed t reconsider the same. If, after such reconsideration, two-thirds of the members electe shall agree to pass the bill or resolution, it shall be sent, with the objections, to th senate, by which it shall likewise be reconsidered, and, if approved by two-third of all the members elected, it shall become a law. But in all such cases, the vot shall be taken by yeas and nays, and entered upon the journals of each house If any bill shall not be returned within three days (Sundays excepted) after i shall have been presented to the governor, it shall become a law in like manne as if he had signed it, unless the legislature, by its adjournment, prevent its return in which case it shall not become a law.

[5]Amendment proposed by the legislature of 1905 and ratified at the election o November 6, 1906.

SEC. 21. The legislature may confer upon tribunals transacting the county business of the several counties, such powers of local legislation and administration as it shall deem expedient.

SEC. 22. For any speech or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

SEC. 23. The legislature, in providing for the formation and regulation of schools, shall make no distinction between the rights of males and females.

SEC. 24. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law, and no appropriation shall be for a longer term than two years.[6]

SEC. 25. All sessions of the legislature shall be held at the state capital, and, beginning with the session of eighteen hundred and seventy-seven, all regular sessions shall be held once in two years, commencing on the second Tuesday of January of each alternate year thereafter.[7]

SEC. 26. The legislature shall provide for taking an enumeration of the inhabitants of the state at least once in ten years. The first enumeration shall be taken in A. D. 1865.

SEC. 27. The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 28. The governor and all other officers under this constitution shall be subject to impeachment for any misdemeanor in office; but judgment in all such cases shall not be extended further than to removal from office and disqualification to hold any office of profit, honor or trust under this constitution; but the party, whether acquitted or convicted, shall be liable to indictment, trial, judgment and punishment, according to law.

SEC. 29. At the general election held in eighteen hundred and seventy-six, and thereafter, members of the house of representatives shall be elected for two years, and members of the senate shall be elected for four years.[8]

ARTICLE III.

JUDICIAL.

SEC. 1. The judicial power of this state shall be vested in a supreme court, district courts, probate courts, justices of the peace, and such other courts, inferior to the supreme court, as may be provided by law; and all courts of record shall have a seal, to be used in the authentication of all process.

SEC. 2. The supreme court shall consist of seven justices, who shall be chosen by the electors of the state. They may sit separately in two divisions, with full power in each division to determine the cases assigned to be heard by such division. Three justices shall constitute a quorum in each division, and the concurrence of three shall be necessary to a decision. Such cases only as may be ordered to be heard by the whole court shall be considered by all the justices, and the concurrence of four justices shall be necessary

[6]Amendment proposed by the legislature of 1876 and ratified at the election of November 7, 1876. The text of the original section is as follows: § 24. No money shall be drawn from the treasury, except in pursuance of a specific appropriation made by law; and no appropriation shall be for a longer term than one year.

[7]Amendment proposed by the legislature of 1875 and ratified at the election of November 2, 1875. The text of the original section is as follows: § 25. All sessions of the legislature shall be held at the state capital [capitol], and all regular sessions shall commence annually on the second Tuesday of January.

[8]Section 29 is a new section; it was proposed by the legislature of 1875 and was ratified at the election of November 2, 1875.

to a decision in cases so heard. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in years of these shall be chief justice, and the presiding justice of each division shall be selected from the judges assigned to that division in like manner. The term of office of the justices shall be six years, except as hereinafter provided. The justices in office at the time this amendment takes effect shall hold their offices for the terms for which they were severally elected, and until their successors are elected and qualified. As soon as practicable after the second Monday in January, 1901, the governor shall appoint four justices, to hold their offices until the second Monday in January, 1903. At the general election in 1902 there shall be elected five justices, one of whom shall hold his office for two years, one for four years, and three for six years. At the general election in 1904 and every six years thereafter two justices shall be elected, at the general election in 1906 and every six years thereafter, two justices shall be elected. At the general election in 1908 and every six years thereafter, three justices shall be elected.[9]

SEC. 3. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be coextensive with the state.

SEC. 4. There shall be appointed, by the justices of the supreme court, a reporter and clerk of said court, who shall hold their offices two years, and whose duties shall be prescribed by law.

SEC. 5. The state shall be divided into five judicial districts, in each of which there shall be elected, by the voters thereof, a district judge, who shall hold his office for the term of four years. District courts shall be held at such times and places as may be provided by law.

SEC. 6. The district courts shall have such jurisdiction in their respective districts as may be provided by law.

SEC. 7. There shall be elected in each organized county a clerk of the district court, who shall hold his office two years, and whose duties shall be prescribed by law.

SEC. 8. There shall be a probate court in each county, which shall be a court of record, and have such probate jurisdiction and care of estates of deceased persons, minors, and persons of unsound minds, as may be prescribed by law, and shall have jurisdiction in cases of habeas corpus. The court shall consist of one judge, who shall be elected by the qualified voters of the county, and hold his office two years. He shall hold court at such times and receive for compensation such fees or salary as may be prescribed by law. The legislature may provide for the appointment or selection of a probate judge pro tem, when the probate judge is unavoidably absent or otherwise unable or disqualified to sit in any case.[10]

SEC. 9. Two justices of the peace shall be elected in each township, whose term of office shall be two years, and whose powers and duties shall be prescribed by law. The number of justices of the peace may be increased in any township by law.

SEC. 10. All appeals from probate courts and justices of the peace shall be to the district court.

SEC. 11. All the judicial officers provided for by this article shall be elected at the first election under this constitution, and shall reside in their

[9] Amendment proposed by the legislature of 1899 and ratified at the election of November 6, 1900. The text of the original section is as follows: § 2. The supreme court shall consist of one chief justice and two associate justices (a majority of whom shall constitute a quorum), who shall be elected by the electors of the state at large, and whose term of office, after the first, shall be six years. At the first election a chief justice shall be chosen for six years, one associate justice for four years, and one for two years.

[10] Amendment proposed by the legislature of 1905 and ratified at the election of November 6, 1906.

respective townships, counties or districts during their respective terms of office. In case of vacancy in any judicial office, it shall be filled by appointment of the governor until the next regular election that shall occur more than thirty days after such vacancy shall have happened.

SEC. 12. All judicial officers shall hold their offices until their successors shall have qualified.

SEC. 13. The justices of the supreme court and judges of the district court shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: Provided, Such compensation shall not be less than fifteen hundred dollars to each justice or judge, each year, and such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States, during the term of office for which such justices and judges shall be elected, nor practice law in any of the courts in the state during their continuance in office.

SEC. 14. Provision may be made by law for the increase of the number of judicial districts whenever two-thirds of the members of each house shall concur. Such districts shall be formed of compact territory and bounded by county lines, and such increase shall not vacate the office of any judge.

SEC. 15. Justices of the supreme court and judges of the district courts may be removed from office by resolution of both houses, if two-thirds of the members of each house concur. But no such removal shall be made except upon complaint, the substance of which shall be entered upon the journal, nor until the party charged shall have had notice and opportunity to be heard.

SEC. 16. The several justices and judges of the courts of record in this state shall have such jurisdiction at chambers as may be provided by law.

SEC. 17. The style of all process shall be "The State of Kansas," and all prosecutions shall be carried on in the name of the state.

SEC. 18. Until otherwise provided by law, the first district shall consist of the counties of Wyandotte, Leavenworth, Jefferson and Jackson. The second district shall consist of the counties of Atchison, Doniphan, Brown, Nemaha, Marshall and Washington. The third district shall consist of the counties of Pottawatomie, Riley, Clay, Dickinson, Davis, Wabaunsee and Shawnee. The fourth district shall consist of the counties of Douglas, Johnson, Lykins, Franklin, Anderson, Linn, Bourbon and Allen. The fifth district shall consist of the counties of Osage, Coffey, Woodson, Greenwood, Madison, Breckinridge, Morris, Chase, Butler and Hunter.

SEC. 19. New or unorganized counties shall, by law, be attached for judicial purposes, to the most convenient judicial district.

SEC. 20. Provision shall be made by law for the selection, by the bar, of a pro tem. judge of the district court, when the judge is absent or otherwise unable or disqualified to sit in any case.

ARTICLE IV.

ELECTIONS.

SECTION 1. All elections by the people shall be by ballot, and all elections by the legislature shall be viva voce.

SEC. 2. General elections and township elections shall be held biennially on the Tuesday succeeding the first Monday in November, in the years bearing even numbers. All county and township officers shall hold their offices for a term of two years and until their successors are qualified: Provided, One county commissioner shall be elected from each of three districts, numbered 1, 2, and 3, by the voters of the district, and the legislature shall fix the time of election and the term of office of such commissioners; such election to be at a general election, and no term of office to exceed six years. All officers whose successors would, under the law as it existed at the time of their election, be elected in an odd-numbered year, shall hold office for an additional

year and until their successors are qualified. No person shall hold the office of sheriff or county treasurer for more than two consecutive terms.[11]

SEC. 3. Every public officer holding either by election or appointment is subject to recall from office by a majority of the electors of the state or lesser electoral division for which elected or appointed, voting on the subject at any general or special election, but the provisions hereof shall not be deemed exclusive of other remedies for removal from office.

SEC. 4. An election for recall shall be upon petitions signed by at least ten (10%) per cent of the electors of the state, qualified to sign, for the recall of any state officer; by fifteen (15%) per cent of the electors for the recall of an officer elected by a district less than a state and greater than a county; or, for an officer who was appointed by him; and by twenty-five (25%) per cent of the electors qualified to sign, for the recall of an officer elected in a county, district or municipality within the county, or an officer who was appointed by any such officer elected. Any petition for recall shall certify that the signers thereto are citizens of the United States of America and voted for the officer to be recalled, if elected; or, for the officer who appointed him if appointed, at the last preceding election at which such officer was elected. The petition shall be filed with the authority for calling elections in the state or other electoral division, at least ninety days before the date of election, and the election held thereon shall be called within thirty days after filing petition, and be proclaimed at least sixty days before the date of holding. The petition and proclamation of election shall state in not more than two hundred words the reasons for the recall.

SEC. 5. The recall ballot shall be, Shall the named officer holding the named office be recalled, and the provisions of law for holding, canvassing and certifying returns of general elections shall apply to recall elections, and if the vote be in favor of the recall a vacancy in the office shall exist, to be filled as authorized by law.[12]

ARTICLE V.

SUFFRAGE.

SECTION 1. Every [white] [male] person of twenty-one years and upwards belonging to either of the following classes—who shall have resided in Kansas six months next preceding any election, and in the township or ward in which he offers to vote at least thirty days next preceding such election—shall be deemed a qualified elector:

1st. Citizens of the United States;

2d. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States on the subject of naturalization.[13]

SEC. 2. No person under guardianship, *non compos mentis* or insane; no person convicted of felony, unless restored to civil rights; no person who has been dishonorably discharged from the service of the United States, unless reinstated; no person guilty of defrauding the government of the United States, or any of the states thereof; no person guilty of giving or receiving a bribe, or offering to give or receive a bribe; and no person who has ever voluntarily borne arms against the government of the United States, or in any manner voluntarily aided or abetted in the attempted overthrow of said government, except all persons who have been honorably discharged from the military service of the United States since the first day of April, A. D. 1861.

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[11]Amendment proposed by the general assembly of 1901 and ratified at the election of November 4, 1902. The text of the original section is as follows: § 2. General elections shall be held annually on the Tuesday succeeding the first Monday in November. Township elections shall be held on the first Tuesday in April, until otherwise provided by law.

[12]Sections 3, 4 and 5 are new sections; they were proposed by the legislature of 1913 and were ratified at the election of November 3, 1914.

[13]The word "white", enclosed in brackets, has been obsolete since the adoption of the Fifteenth Amendment of the Federal Constitution. Th word "male", enclosed in brackets, has been obsolete since the adoption of Section 8 of this Article in 1913.

provided that they have served one year or more therein, shall be qualified to vote or hold office in this state, until such disability shall be removed by a law passed by a vote of two-thirds of all the members of both branches of the legislature.[14]

SEC. 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; and the legislature may make provision for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this state; but nothing herein contained shall be deemed to allow any soldier, seaman or marine in the regular army or navy of the United States the right to vote.[15]

SEC. 4. The legislature shall pass such laws as may be necessary for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established.

SEC. 5. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or shall go out of the state to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 6. Every person who shall have given or offered a bribe to procure his election shall be disqualified from holding office during the term for which he may have been elected.

SEC. 7. Electors, during their attendance at elections, in going to and returning therefrom, shall be privileged from arrest in all cases except treason, felony, or breach of the peace.

SEC. 8. The rights of citizens of the state of Kansas to vote and hold office shall not be denied or abridged on account of sex.[16]

ARTICLE VI.

EDUCATION.

SECTION 1. The state superintendent of public instruction shall have the general supervision of the common-school funds and educational interests of the state, and perform such other duties as may be prescribed by law. A superintendent of public instruction shall be elected in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law.

SEC. 2. The legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of common schools, and schools of a higher grade, embracing normal, preparatory, collegiate and university departments.

SEC. 3. The proceeds of all lands that have been or may be granted by the United States to the state for the support of schools, and the five hundred thousand acres of land granted to the new states under an act of congress distributing the proceeds of public lands among the several states of the union, approved September 4, A. D. 1841, and all estates of persons dying without heir or will, and such per cent as may be granted by congress, on the sale

[14]Amendment proposed by the legislature of 1867 and ratified at the election of November 5, 1867. The text of the original section is as follows: § 2. No person under guardianship, *non compos mentis* or insane shall be qualified to vote; nor any person convicted of treason or felony unless restored to civil rights.

[15]Amendment proposed by the legislature of 1864 and ratified at the election of November 8, 1864. The text of the original section is as follows: § 3. No soldier, seaman or marine in the army or navy of the United States or of their allies shall be deemed to have acquired a residence in the state in consequence of being stationed within the same; nor shall any soldier, seaman or marine have the right to vote.

[16]Section 8 is a new section; it was proposed by the legislature of 1911 and was ratified at the election of November 5, 1913.

of lands in this state, shall be the common property of the state, and shall be a perpetual school fund, which shall not be diminished, but the interest of which, together with all the rents of the lands, and such other means as the legislature may provide, by tax or otherwise, shall be inviolably appropriated to the support of common schools.

SEC. 4. The income of the state school funds shall be disbursed annually, by order of the state superintendent, to the several county treasurers, and thence to the treasurers of the several school districts, in equitable proportion to the number of children and youth resident therein, between the ages of five and twenty-one years: Provided, That no school district in which a common school has not been maintained at least three months in each year shall be entitled to receive any portion of such funds.

SEC. 5. The school lands shall not be sold unless such sale shall be authorized by a vote of the people at a general election; but, subject to revaluation every five years, they may be leased for any number of years not exceeding twenty-five, at a rate established by law.

SEC. 6. All money which shall be paid by persons as an equivalent for exemption from military duty; the clear proceeds of estrays, ownership of which shall vest in the taker-up; and the proceeds of fines for any breach of the penal laws, shall be exclusively applied in the several counties in which the money is paid or fines collected, to the support of common schools.

SEC. 7. Provision shall be made by law for the establishment, at some eligible and central point, of a state university, for the promotion of literature, and the arts and sciences, including a normal and an agricultural department. All funds arising from the sale or rents of lands granted by the United States to the state for the support of a state university, and all other grants, donations or bequests, either by the state or by individuals, for such purpose, shall remain a perpetual fund, to be called the "university fund"; the interest of which shall be appropriated to the support of the state university.

SEC. 8. No religious sect or sects shall ever control any part of the common-school or university funds of the state.

SEC. 9. The state superintendent of public instruction, secretary of state and attorney-general shall constitute a board of commissioners for the management and investment of the school funds. Any two of said commissioners shall be a quorum.

ARTICLE VII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be prescribed by law. Trustees of such benevolent institutions as may be hereafter created, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken in yeas and nays, and entered upon the journal.

SEC. 2. A penitentiary shall be established, the directors of which shall be appointed or elected, as prescribed by law.

SEC. 3. The governor shall fill any vacancy that may occur in the offices aforesaid, until the next session of the legislature, and until a successor to his appointee shall be confirmed and qualified.

SEC. 4. The respective counties of the state shall provide, as may be prescribed by law, for those inhabitants, who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society.

ARTICLE VIII.

MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of twenty-one and forty-five years, except such as are exempted by the laws of the United States or of this state; but all citizens of

any religious denomination whatever who from scruples of conscience may be averse to bearing arms shall be exempted therefrom, upon such conditions as may be prescribed by law.[17]

SEC. 2. The legislature shall provide for organizing, equipping and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed, and commissioned in such manner as may be provided by law.

SEC. 4. The governor shall be commander-in-chief, and shall have power to call out the militia to execute the laws, to suppress insurrection, and to repel invasion.

ARTICLE IX.

COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide for organizing new counties, locating county seats, and changing county lines; but no county seat shall be changed without the consent of a majority of the electors of the county; nor any county organized, nor the lines of any county changed, so as to include an area of less than four hundred and thirty-two square miles.

SEC. 2. The legislature shall provide for such county and township officers as may be necessary.

[SEC. 3. Eliminated by the adoption of Article 4, Sec. 2, in 1902.][18]

[SEC. 4. Eliminated by the adoption of Article 4, Sec. 2, in 1902.][19]

SEC. 5. All county and township officers may be removed from office in such manner and for such cause as shall be prescribed by law.

ARTICLE X.

APPORTIONMENT.

SECTION 1. In the future apportionment of the state, each organized county shall have at least one representative; and each county shall be divided into as many districts as it has representatives.

SEC. 2. It shall be the duty of the first legislature to make an apportionment, based upon the census ordered by the last legislative assembly of the territory; and a new apportionment shall be made in the year 1866, and every five years thereafter, based upon the census of the preceding year.

SEC. 3. Until there shall be a new apportionment, the state shall be divided into election districts; and the representatives and senators shall be apportioned among the several districts as follows, viz.:

1st district, Doniphan, 4 representatives, 2 senators.

2d district, Atchison and Brown, 6 representatives, 2 senators.

3d district, Nemaha, Marshall and Washington, 2 representatives, 1 senator.

4th district, Clay, Riley and Pottawatomie, 4 representatives, 1 senator.

5th district, Dickinson, Davis and Wabaunsee, 3 representatives, 1 senator.

[17]Amendment proposed by the legislature of 1887 and ratified at the election of November 6, 1888. The original section had the word "white" before the word "male".

[18]The text of the original section 3 is as follows: § 3. All county officers shall hold their offices for the term of two years, and until their successors shall be qualified; but no person shall hold the office of sheriff or county treasurer for more than two consecutive terms. The original section was amended in 1876 and the text of this amendment is as follows: § 3. All county officers shall hold their offices for the term of two years, and until their successors shall be qualified, except county commissioners, who shall hold their offices for the term of three years: Provided, That at the general election in the year eighteen hundred and seventy-seven the commissioner elected from district number one in each county shall hold his office for the term of one year, the commissioner elected from district number two in each county shall hold his office for the term of two years, and the commissioner elected from district number three in each county shall hold his office for the term of three years, but no person shall hold the office of sheriff or county treasurer for more than two consecutive terms.

[19]The text of the original section 4 is as follows: § 4. Township officers, except justices of the peace, shall hold their offices one year from the Monday next succeeding their election, and until their successors are qualified.

6th district, Shawnee, Jackson and Jefferson, 8 representatives, 2 senators.
7th district, Leavenworth, 9 representatives, 3 senators.
8th district, Douglas, Johnson and Wyandotte, 13 representatives, 4 senators.
9th district, Lykins, Linn and Bourbon, 9 representatives, 3 senators.
10th district, Allen, Anderson and Franklin, 6 representatives, 2 senators.
11th district, Woodson and Madison, 2 representatives, 1 senator.
12th district, Coffey, Osage and Breckinridge, 6 representatives, 2 senators.
13th district, Morris, Chase and Butler, 2 representatives, 1 senator.
14th district, Arrapahoe, Godfrey, Greenwood, Hunter, Wilson, Dorn and McGee, 1 representative.

ARTICLE XI.

FINANCE AND TAXATION.

SECTION 1. The legislature shall provide for a uniform and equal rate of assessment and taxation; but all property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, and personal property to the amount of at least two hundred dollars for each family, shall be exempted from taxation.

SEC. 2. The legislature shall provide for taxing the notes and bills discounted or purchased, moneys loaned, and other property, effects, or dues of every description (without deduction), of all banks now existing, or hereafter to be created, and of all bankers; so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals.

SEC. 3. The legislature shall provide, at each regular session, for raising sufficient revenue to defray the current expenses of the state for two years.[20]

SEC. 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object only such tax shall be applied.

SEC. 5. For the purpose of defraying extraordinary expenses and making public improvements, the state may contract public debts; but such debts shall never, in the aggregate, exceed one million dollars, except as hereinafter provided. Every such debt shall be authorized by law for some purpose specified therein, and the vote of a majority of all the members elected to each house, to be taken by the yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principle thereof, when it shall become due; and shall specifically appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished, until the interest and principal of such debt shall have been wholly paid.

SEC. 6. No debt shall be contracted by the state except as herein provided, unless the proposed law for creating such debt shall first be submitted to a direct vote of the electors of the state at some general election; and if such proposed law shall be ratified by a majority of all the votes cast at such general election, then it shall be the duty of the legislature next after such election to enact such law and create such debt, subject to all the provisions and restrictions provided in the preceding section of this article.

SEC. 7. The state may borrow money to repel invasion, suppress insurrection, or defend the state in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. The state shall never be a party in carrying on any works of internal improvements.

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[20]Amendment proposed by the legislature of 1875 and ratified at the election of November 2, 1875. The text of the original section is as follows: § 3. The legislature shall provide, each year, for raising revenue sufficient to defray the current expenses of the state.

ARTICLE XII.

CORPORATIONS.

SECTION 1. The legislature shall pass no special act conferring corporate powers. Corporations may be created under general laws; but all such laws may be amended or repealed.

SEC. 2. Dues from corporations shall be secured by the individual liability of the stockholders to the amount of stock owned by each stockholder, and such other means as shall be provided by law; but such individual liability shall not apply to railroad corporations nor corporations for religious or charitable purposes.[21]

SEC. 3. The title to all property of religious corporations shall vest in trustees, whose election shall be by the members of such corporations.

SEC. 4. No right-of-way shall be appropriated to the use of any corporation until full compensation therefor be first made in money, or secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation.

SEC. 5. Provision shall be made by general law for the organization of cities, towns and villages; and their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, shall be so restricted as to prevent the abuse of such power.

SEC. 6. The term corporations, as used in this article, shall include all associations and joint-stock companies having powers and privileges not possessed by individuals or partnerships; and all corporations may sue and be sued in their corporate name.

ARTICLE XIII.

BANKS AND CURRENCY.

SECTION 1. No bank shall be established otherwise than under a general banking law.

SEC. 2. All banking laws shall require, as collateral security for the redemption of the circulating notes of any bank, organized under their provisions, a deposit with the auditor of state, of the interest-paying bonds of the several states or of the United States, at the cash rates of the New York stock exchange, to an amount equal to the amount of circulating notes which such bank shall be authorized to issue, and a cash deposit in its vaults of ten per cent of such amount of circulating notes; and the auditor shall register and countersign no more circulating bills of any bank, than the cash value of such bonds when deposited.

SEC. 3. Whenever the bonds pledged as collateral security for the circulation of any bank shall depreciate in value, the auditor of state shall require additional security, or curtail the circulation of such bank to such extent as will continue the security unimpaired.

SEC. 4. All circulating notes shall be redeemable in the money of the United States. Holders of such notes shall be entitled, in case of the insolvency of such banks, to preference of payment over all other creditors.

SEC. 5. The state shall not be a stockholder in any banking institution.

SEC. 6. All banks shall be required to keep offices and officers for the issue and redemption of their circulation, at a convenient place within the state, to be named on the circulating notes issued by such bank.

SEC. 7. No banking institution shall issue circulating notes of a less denomination than one dollar.[22]

SEC. 8. No banking law shall be in force until the same shall have been submitted to a vote of the electors of the state at some general election, and approved by a majority of all the votes cast at such election.

SEC. 9. Any banking law may be amended or repealed.

[21] Amendment proposed by the legislature of 1905 and ratified at the general election of November 6, 1906.

[22] Amendment proposed by the legislature of 1861 and ratified at the election of November 5, 1861. The text of the original section is as follows: § 7. No banking institution shall issue circulating notes of a less denomination than five dollars.

ARTICLE XIV.

AMENDMENTS.

SECTION 1. Propositions for the amendment of this constitution may be made by either branch of the legislature; and if two-thirds of all the members elected to each house shall concur therein, such proposed amendments, together with the yeas and nays, shall be entered on the journal; and the secretary of state shall cause the same to be published in at least one newspaper in each county of the state where a newspaper is published, for three months preceding the next election for representatives, at which time the same shall be submitted to the electors for their approval or rejection; and if a majority of the electors voting on said amendments at said election shall adopt the amendments, the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately; and not more than three propositions to amend shall be submitted at the same election.

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise, amend or change this constitution, they shall recommend to the electors to vote at the next election of members to the legislature, for or against a convention; and if a majority of all the electors voting at such election shall have voted for a convention, the legislature shall, at the next session, provide for calling the same.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. All officers whose election or appointment is not otherwise provided for, shall be chosen or appointed as may be prescribed by law.

SEC. 2. The tenure of any office not herein provided for may be declared by law; when not so declared such office shall be held during the pleasure of the authority making the appointment, but the legislature shall not create any office the tenure of which shall be longer than four years.

SEC. 3. Lotteries and the sale of lottery tickets are forever prohibited.

SEC. 4. All public printing shall be done by the state printer, who shall be elected by the people at the election held for state officers in November, 1906, and every two years thereafter, at the elections held for state officers, and shall hold his office for two years and until his successor shall be elected and qualified.[23]

SEC. 5. An accurate and detailed statement of the receipts and expenditures of the public moneys, and the several amounts paid, to whom, and on what account, shall be published, as prescribed by law.

SEC. 6. The legislature shall provide for the protection of the rights of women, in acquiring and possessing property, real, personal and mixed, separate and apart from the husband; and shall also provide for their equal rights in the possession of their children.

SEC. 7. The legislature may reduce the salaries of officers who shall neglect the performance of any legal duty.

SEC. 8. The temporary seat of government is hereby located at the city of Topeka, county of Shawnee. The first legislature under this constitution

[23]Section 4 has been amended twice; the first amendment was proposed by the legislature of 1867 and was ratified at the election of November 3, 1868; the present amendment was proposed by the legislature of 1903 and was ratified at the election of November 8, 1904. The text of the original section is as follows: § 4. All public printing shall be let by contract, to the lowest responsible bidder, by such executive officers and in such manner as shall be prescribed by law. The text of the amendment of 1868 is as follows: § 4. All public printing shall be done by a state printer, who shall be elected by the legislature in joint session, and shall hold his office for two years and until his successor shall be elected and qualified. The joint session of the legislature for the election of a state printer shall be on the third Tuesday of January, A. D. 1869, and every two years thereafter. All public printing shall be done at the capital [capitol] and the prices for the same shall be regulated by law.

shall provide by law for submitting the question of the permanent location of the capital to a popular vote, and a majority of all the votes cast at some general election shall be necessary for such location.

SEC. 9. A homestead to the extent of one hundred and sixty acres of farming land, or of one acre within the limits of an incorporated town or city, occupied as a residence by the family of the owner, together with all the improvements on the same, shall be exempted from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon: *Provided*, The provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife.

SEC. 10 The manufacture and sale of intoxicating liquors shall be forever prohibited in this state, except for medical, scientific and mechanical purposes.[24]

SCHEDULE.

SECTION 1. That no inconvenience may arise from the change from a territorial government to a permanent state government, it is declared by this constitution that all suits, rights, actions, prosecutions, recognizances, contracts, judgments, and claims, both as respects individuals and bodies corporate, shall continue as if no change had taken place.

SEC. 2. All fines, penalties and forfeitures, owing to the territory of Kansas, or any county, shall inure to the use of the state or county. All bonds executed to the territory, or any officer thereof, in his official capacity, shall pass over to the governor, or other officers of the state or county, and their successors in office, for the use of the state or county, or by him or them to be respectively assigned over to the use of those concerned, as the case may be.

SEC. 3. The governor, secretary and judges, and all other officers, both civil and military, under the territorial government, shall continue in the exercise of the duties of their respective departments until the said officers are superseded under the authority of this constitution.

SEC. 4. All laws and parts of laws in force in the territory at the time of the acceptance of this constitution by congress, not inconsistent with this constitution, shall continue and remain in full force until they expire, or shall be repealed.

SEC. 5. The governor shall use his private seal until a state seal is provided.

SEC. 6. The governor, secretary of state, auditor of state, treasurer of state, attorney-general, and superintendent of public instruction shall keep their respective offices at the seat of government.

SEC. 7. All records, documents, books, papers, moneys and vouchers belonging and pertaining to the several territorial courts and offices and to the several districts and county offices, at the date of the admission of this state into the union, shall be disposed of in such manner as may be prescribed by law.

SEC. 8. All suits, pleas, plaints and other proceedings pending in any court of record, or justice's court, may be prosecuted to final judgment and execution; and all appeals, writs of error, *certiorari*, injunctions, or other proceedings whatever, may progress and be carried on as if this constitution had not been adopted; and the legislature shall direct the mode in which such suits, pleas, plaints, prosecutions and other proceedings, and all papers, records, books and documents connected therewith, may be removed to the courts established by this constitution.

SEC. 9. For the purpose of taking the vote of the electors of this territory for the ratification or rejection of this constitution, an election shall be

[24]Section 10 is a new section; it was proopsed by the legislature of 1879 and was ratified at the election of November 2, 1880.

held in the several voting precincts in this territory, on the first Tuesday in October, A. D. 1859.

SEC. 10. Each elector shall express his assent or dissent by voting a written or printed ballot labeled "For the Constitution," or "Against the Constitution."

SEC. 11. If a majority of all the votes cast at such election shall be in favor of the constitution, then there shall be an election held in the several voting precincts on the first Tuesday in December, A. D. 1859, for the election of members of the first legislature, of all state, district and county officers provided for in this constitution, and for a representative in congress.

SEC. 12. All persons having the qualification of electors, according to the provisions of this constitution, at the date of each of said elections, and who shall have been duly registered according to the provisions of the registry law of this territory, and none others, shall be entitled to vote at each of said elections.

SEC. 13. The persons who may be judges of the several voting precincts of this territory at the date of the respective elections in this schedule provided for, shall be the judges of the respective elections herein provided for.

SEC. 14. The said judges of election, before entering upon the duties of their office, shall take and subscribe an oath faithfully to discharge their duties as such. They shall appoint two clerks of election, who shall be sworn by one of said judges faithfully to discharge their duties as such. In the event of a vacancy in the board of judges, the same shall be filled by the electors present.

SEC. 15. At each of the elections provided for in this schedule the polls shall be open between the hours of nine and ten o'clock a. m. and closed at sunset.

SEC. 16. The tribunals transacting county business of the several counties shall cause to be furnished to the boards of judges in their respective counties two poll books for each election hereinbefore provided for, upon which the clerks shall inscribe the name of every person who may vote at the said elections.

SEC. 17. After closing the polls at each of the elections provided for in this schedule, the judges shall proceed to count the votes cast, and designate the persons or objects for which they were cast, and shall make two correct tally lists of the same.

SEC. 18. Each of the boards of judges shall safely keep one poll book and tally list, and the ballots cast at each election; and shall, within ten days after such election, cause the other poll book and tally list to be transmitted, by the hands of a sworn officer, to the clerk of the board transacting county business in their respective counties, or to which the county may be attached for municipal purposes.

SEC. 19. The tribunals transacting county business shall assemble at the county seats of their respective counties on the second Tuesday after each of the elections provided for in this schedule, and shall canvass the votes cast at the elections held in the several precincts in their respective counties, and of the counties attached for municipal purposes. They shall hold in safe keeping the poll books and tally lists of said elections, and shall, within ten days thereafter, transmit, by the hands of a sworn officer, to the president of this convention, at the city of Topeka, a certified transcript of the same, showing the number of votes cast for each person or object voted for at each of the several precincts in their respective counties, and in the counties attached for municipal purposes, separately.

SEC. 20. The governor of the territory, and the president and secretary of the convention shall constitute a board of state canvassers, any two of whom shall be a quorum; and who shall, on the fourth Monday after each of the elections provided for in this schedule, assemble at said city of Topeka, and proceed to open and canvass the votes cast at the several precincts in the different counties of the territory, and declare the result; and shall immediately issue certificates of election to all persons (if any) thus elected.

SEC. 21. Said board of state canvassers shall issue their proclamation not less than twenty days next preceding each of the elections provided for in this schedule. Said proclamation shall contain an announcement of the several elections, the qualifications of electors, the manner of conducting said elections and of making the returns thereof, as in this constitution provided, and shall publish said proclamation in one newspaper in each of the counties of the territory in which a newspaper may be then published.

SEC. 22. The board of state canvassers shall provide for the transmission of authenticated copies of the constitution to the President of the United States, the president of the senate and speaker of the house of representatives.

SEC. 23. Upon official information having been by him received of the admission of Kansas into the union as a state, it shall be the duty of the governor-elect under the constitution to proclaim the same, and to convene the legislature, and to do all things else necessary to the complete and active organization of the state government.

SEC. 24. The first legislature shall have no power to make any changes in county lines.

SEC. 25. At the election to be held for the ratification or rejection of this constitution, each elector shall be permitted to vote on the homestead provision contained in the article on "Miscellaneous," by depositing a ballot inscribed "For the Homestead," or "Against the Homestead"; and if a majority of all the votes cast at said election shall be against said provision, then it shall be stricken from the constitution.

RESOLUTIONS.

Resolved, That the congress of the United States is hereby requested, upon the application of Kansas for admission into the union, to pass an act granting to the state forty-five hundred thousand acres of land to aid in the construction of railroads and other internal improvements.

Resolved, That congress be further requested to pass an act appropriating fifty thousand acres of land for the improvement of the Kansas river from its mouth to Fort Riley.

Resolved, That Congress be further requested to pass an act granting all swamp lands within the state for the benefit of common schools.

Resolved, That congress be further requested to pass an act appropriating five hundred thousand dollars, or in lieu thereof five hundred thousand acres of land, for the payment of the claims awarded to citizens of Kansas by the claim commissioners appointed by the governor and legislature of Kansas under an act of the territorial legislature passed 7th February, 1859.

Resolved, That the legislature shall make provision for the sale or disposal of the lands granted to the state in aid of internal improvements and for other purposes, subject to the same rights of pre-emption to the settlers thereon as are allowed by law to settlers on the public lands.

Resolved, That it is the desire of the people of Kansas to be admitted into the union with this constitution.

Resolved, That congress be further requested to assume the debt of this territory.

Done in convention at Wyandotte, this 29th day of July, A. D. 1859.

JAMES M. WINCHELL,

President of the Kansas Constitutional Convention, and Member from Osage County.

CONSTITUTION OF KENTUCKY—1891*

PREAMBLE.

We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established. We declare that:

SECTION 1. All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned:

First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness.

Fourth: The right of freely communicating their thoughts and opinions.

Fifth: The right of acquiring and protecting property.

Sixth: The right of assembling together in a peaceable manner for their common good, and of applying to those invested with the power of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Seventh: The right to bear arms in defense of themselves and of the State, subject to the power of the General Assembly to enact laws to prevent persons from carrying concealed weapons.

SEC. 2. Absolute and arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

SEC. 3. All men, when they form a social compact, are equal; and no grant of exclusive, separate public emoluments or privileges shall be made to any man or set of men, except in consideration of public services; but no property shall be exempt from taxation except as provided in this Constitution; and every grant of a franchise, privilege or exemption shall remain subject to revocation, alteration or amendment.

SEC. 4. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

SEC. 5. No preference shall ever be given by law to any religious sect, society or denomination; nor to any particular creed, mode of worship or system of ecclesiastical policy; nor shall any person be compelled to attend any place of worship, to contribute to the erection or maintenance of any such place, or to the salary or support of any minister of religion; nor shall any man be compelled to send his child to any school to which he may be conscientiously opposed; and the civil rights, privileges or capacities of no person shall be taken away, or in anywise diminished or enlarged, on account of his belief or disbelief of any religious tenet, dogma or teaching. No human authority shall, in any case whatever, control or interfere with the rights of conscience.

SEC. 6. All elections shall be free and equal.

SEC. 7. The ancient mode of trial by jury shall be held sacred, and the right thereof remain inviolate, subject to such modifications as may be authorized by this Constitution.

*The constitution of Kentucky was drafted by a convention which assembled at Frankfort on September 8, 1890, and adjourned on September 28, 1891. The constitution was not submitted to the voters for ratification, but was declared in force by the convention itself on September 28, 1891.

SEC. 8. Printing presses shall be free to every person who undertakes to examine the proceedings of the General Assembly or any branch of government, and no law shall ever be made to restrain the right thereof. Every person may freely and fully speak, write and print on any subject, being responsible for the abuse of that liberty.

SEC. 9. In prosecutions for the publication of papers investigating the official conduct of officers or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 10. The people shall be secure in their persons, houses, papers and possessions, from unreasonable search and seizure; and no warrant shall issue to search any place, or seize any person or thing, without describing them as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 11. In all criminal prosecutions the accused has the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor. He can not be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land; and in prosecutions by indictment or information, he shall have a speedy public trial by an impartial jury of the vicinage; but the General Assembly may provide by a general law for a change of venue in such prosecutions for both the defendant and the Commonwealth, the change to be made to the most convenient county in which a fair trial can be obtained.

SEC. 12. No person, for an indictable offense, shall be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger, or by leave of court for oppression or misdemeanor in office.

SEC. 13. No person shall, for the same offense, be twice put in jeopardy of his life or limb, nor shall any man's property be taken or applied to public use without the consent of his representatives, and without just compensation being previously made to him.

SEC. 14. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 15. No power to suspend laws shall be exercised, unless by the General Assembly or its authority.

SEC. 16. All prisoners shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

SEC. 17. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted.

SEC. 18. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 19. No ex post facto law, nor any law impairing the obligation of contracts, shall be enacted.

SEC. 20. No person shall be attainted of treason or felony by the General Assembly, and no attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

SEC. 21. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. No standing army shall, in time of peace, be maintained without the consent of the General Assembly; and the military shall, in all cases

and at all times, be in strict subordination to the civil power; nor shall any soldier, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in a manner prescribed by law.

SEC. 23. The General Assembly shall not grant any title of nobility or hereditary distinction, nor create any office, the appointment of which shall be for a longer time than a term of years.

SEC. 24. Emigration from the State shall not be prohibited.

SEC. 25. Slavery and involuntary servitude in this State are forbidden except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 26. To guard against transgression of the high powers which we have delegated. We Declare that every thing in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate and all laws contrary thereto, or contrary to this Constitution, shall be void.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SEC. 27. The powers of the government of the Commonwealth of Kentucky shall be divided into three distinct departments, and each of them be confined to a separate body of magistracy, to-wit: Those which are legislative to one; those which are executive, to another; and those which are judicial to another.

SEC. 28. No person, or collection of persons, being of one of those departments, shall exercise any power properly belonging to either of the others except in the instances hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

SEC. 29. The legislative power shall be vested in a House of Representatives and a Senate, which, together, shall be styled the "General Assembly of the Commonwealth of Kentucky."

SEC. 30. Members of the House of Representatives and Senators elected at the August election in one thousand eight hundred and ninety-one, and Senators then holding over, shall continue in office until and including the last day of December, one thousand eight hundred and ninety-three. Thereafter the term of office of Representatives and Senators shall begin upon the first day of January of the year succeeding their election.

SEC. 31. At the general election in the year one thousand eight hundred and ninety-three one Senator shall be elected in each Senatorial District, and one Representative in each Representative District. The Senators then elected shall hold their offices, one-half for two years and one-half for four years, as shall be determined by lot at the first session of the General Assembly after their election, and the Representatives shall hold their offices for two years. Every two years thereafter there shall be elected for four years one Senator in each Senatorial District in which the term of his predecessor in office will then expire, and in every Representative District one Representative for two years.

SEC. 32. No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

SEC. 33. The first General Assembly after the adoption of this Constitution shall divide the State into thirty-eight Senatorial districts, and one hundred Representative districts, as nearly equal in population as may be without dividing any county, except where a county may include more than one district, which districts shall constitute the Senatorial and Representative districts for ten years. Not more than two counties shall be joined together

o form a Representative district: Provided, In doing so the principle re-
quiring every district to be as nearly equal in population as may be shall
not be violated. At the expiration of that time, the General Assembly shall
hen, and every ten years thereafter, redistrict the State according to this
ule, and for the purposes expressed in this section. If, in making said dis-
ricts, inequality of population should be unavoidable, any advantage result-
ng therefrom shall be given to districts having the largest territory. No
art of a county shall be added to another county to make a district, and
he counties forming a district shall be contiguous.

SEC. 34. The House of Representatives shall choose its Speaker and
ther officers, and the Senate shall have power to choose its officers biennially.

SEC. 35. The number of Representatives shall be one hundred, and the
umber of Senators thirty-eight.

SEC. 36. The first General Assembly, the members of which shall be
lected under this Constitution, shall meet on the first Tuesday after the
rst Monday in January, eighteen hundred and ninety-four, and thereafter
he General Assembly shall meet on the same day every second year, and its
essions shall be held at the seat of government, except in case of war,
nsurrection or pestilence, when it may, by proclamation of the Governor, as-
emble, for the time being, elsewhere.

SEC. 37. Not less than a majority of the members of each House of the
General Assembly shall constitute a quorum to do business, but a smaller
umber may adjourn from day to day, and shall be authorized by law to com-
el the attendance of absent members in such manner and under such penalties
s may be prescribed by law.

SEC. 38. Each House of the General Assembly shall judge of the qualifica-
ions, elections and returns of its members, but a contested election shall
e determined in such manner as shall be directed by law.

SEC. 39. Each House of the General Assembly may determine the rules
f its proceedings, punish a member for disorderly behavior, and, with the
oncurrence of two-thirds, expel a member, but not a second time for the
ame cause, and may punish for contempt any person who refuses to attend
s a witness, or to bring any paper proper to be used as evidence before the
General Assembly, or either House thereof, or a committee of either, or to
estify concerning any matter which may be a proper subject of inquiry by
he General Assembly, or offers or gives a bribe to a member of the General
ssembly, or attempts by other corrupt means or device to control or influence
member to cast his vote or withhold the same. The punishment and mode
f proceeding for contempt in such cases shall be prescribed by law, but the
erm of imprisonment in any such case shall not extend beyond the session
f the General Assembly.

SEC. 40. Each House of the General Assembly shall keep and publish
aily a journal of its proceedings; and the yeas and nays of the members
n any question shall, at the desire of any two of the members elected, be
ntered on the journal.

SEC. 41. Neither House, during the session of the General Assembly, shall,
ithout the consent of the other, adjourn for more than three days, nor to
ny other place than that in which it may be sitting.

SEC. 42. The members of the General Assembly shall severally receive
rom the State Treasury compensation for their services, which shall be
ve dollars a day during their attendance on, and fifteen cents per mile for
he necessary travel in going to and returning from the sessions of their
espective Houses: Provided, That same may be changed by law; but no
hange shall take effect during the session at which it is made; nor shall a
ession of the General Assembly continue beyond sixty legislative days, exclu-
ive of Sundays and legal holidays; but this limitation as to length of ses-
ion shall not apply to the first session held under this Constitution, nor to
he Senate when sitting as a court of impeachment. A legislative day shall
e construed to mean a calendar day.

SEC. 43. The members of the General Assembly shall, in all cases except

treason, felony, breach or surety of the peace, be privileged from arrest during their attendance on the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

SEC. 44. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit in this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during the said term, except to such offices as may be filled by the election of the people.

SEC. 45. No person who may have been a collector of taxes or public moneys for the Commonwealth, or for any county, city, town or district, or the assistant or deputy of such collector, shall be eligible to the General Assembly, unless he shall have obtained a quietus six months before the election for the amount of such collection, and for all public moneys for which he may have been responsible.

SEC. 46. No bill shall be considered for final passage, unless the same has been reported by a Committee and printed for the use of the members. Every bill shall be read at length on three different days in each House; but the second and third readings may be dispensed with by a majority of all the members elected to the House in which the bill is pending. But whenever a Committee refuses or fails to report a bill submitted to it in a reasonable time, the same may be called up by any member, and be considered in the same manner it would have been considered if it had been reported. No bill shall become a law unless, on its final passage, it receives the votes of at least two-fifths of the members elected to each House, and a majority of the members voting, the vote to be taken by yeas and nays and entered in the journal: Provided, Any act or resolution for the appropriation of money or the creation of debt shall, on its final passage, receive the votes of a majority of all the members elected to each House.

SEC. 47. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments thereto: Provided, No new matter shall be introduced, under color of amendment, which does not relate to raising revenue.

SEC. 48. The General Assembly shall have no power to enact laws to diminish the resources of the Sinking Fund as now established by law until the debt of the Commonwealth be paid, but may enact laws to increase them; and the whole resources of said fund, from year to year, shall be sacredly set apart and applied to the payment of the interest and principal of the State debt, and to no other use or purpose, until the whole debt of the State is fully satisfied.

SEC. 49. The General Assembly may contract debts to meet casual deficits or failures in the revenue; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed five hundred thousand dollars, and the moneys arising from loans creating such debts shall be applied only to the purpose or purposes for which they were obtained, or to repay such debts: Provided, The General Assembly may contract debts to repel invasion, suppress insurrection, or, if hostilities are threatened, provide for the public defense.

SEC. 50. No act of the General Assembly shall authorize any debt to be contracted on behalf of the Commonwealth except for the purposes mentioned in section forty-nine, unless provision be made therein to levy and collect an annual tax sufficient to pay the interest stipulated, and to discharge the debt within thirty years; nor shall such act take effect until it shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it: Provided, The General Assembly may contract debts by borrowing money to pay any part of the debt of the State, without submission to the people, and without making provision in the act authorizing the same for a tax to discharge the debts so contracted, or the interest thereon.

SEC. 51. No law enacted by the General Assembly shall relate to more than

one subject, and that shall be expressed in the title, and no law shall be revised, amended, or the provisions thereof extended or conferred by reference to its title only, but so much thereof as is revised, amended, extended or conferred, shall be re-enacted and published at length.

SEC. 52. The General Assembly shall have no power to release, extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness or liability of any corporation or individual to this Commonwealth, or to any country or municipality thereof.

SEC. 53. The General Assembly shall provide by law for monthly investigations into the accounts of the Treasurer and Auditor of Public Accounts, and the result of these investigations shall be reported to the Governor, and these reports shall be semi-annually published in two newspapers of general circulation in the State. The reports received by the Governor shall, at the beginning of each session, be transmitted by him to the General Assembly for scrutiny and appropriate action.

SEC. 54. The General Assembly shall have no power to limit the amount to be recovered for injuries resulting in death, or for injuries to person or property.

SEC. 55. No act, except general appropriation bills, shall become a law until ninety days after the adjournment of the session at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the Governor; but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

SEC. 56. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two Houses in open session; and before such officer shall have affixed his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that he will sign the same to the end that it may become a law. The bill shall then be read at length and compared; and, if correctly enrolled, he shall, in the presence of the House in open session, and before any other business is entertained, affix his signature, which fact shall be noted in the journal, and the bill immediately sent to the other House. When it reaches the other House, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceeding shall thereupon be observed in every respect as in the House in which it was first signed. And thereupon the Clerk of the latter House shall immediately present the same to the Governor for his signature and approval.

SEC. 57. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

SEC. 58. The General Assembly shall neither audit nor allow any private claim against the Commonwealth, except for expenses incurred during the session at which the same was allowed; but may appropriate money to pay such claim as shall have been audited and allowed according to law.

LOCAL AND SPECIAL LEGISLATION.

SEC. 59. The General Assembly shall not pass local or special acts concerning any of the following subjects, or for any of the following purposes, namely:

First: To regulate the jurisdiction, or the practice, or the circuits of courts of justice, or the rights, powers, duties or compensation of the officers thereof; but the practice in circuit courts in continuous session may, by a general law, be made different from the practice of circuit courts held in terms.

Second: To regulate the summoning, impaneling or compensation of grand or petit jurors.

Third: To provide for changes of venue in civil or criminal causes.

Fourth: To regulate the punishment of crimes and misdemeanors, or to remit fines, penalties or forfeitures.

Fifth: To regulate the limitation of civil or criminal causes.

Sixth: To affect the estate of cestui que trust, decedents, infants or other persons under disabilities, or to authorize any such persons to sell, lease, encumber or dispose of their property.

Seventh: To declare any person of age, or to relieve an infant or feme covert of disability, or to enable him to do acts allowed only to adults not under disabilities.

Eighth: To change the law of descent, distribution or succession.

Ninth: To authorize the adoption or legitimation of children.

Tenth: To grant divorces.

Eleventh: To change the name of persons.

Twelfth: To give effect to invalid deeds, wills or other instruments.

Thirteenth: To legalize, except as against the Commonwealth, the unauthorized or invalid act of any officer or public agent of the Commonwealth, or of any city, county or municipality thereof.

Fourteenth: To refund money legally paid into the State Treasury.

Fifteenth: To authorize or to regulate the levy, the assessment or the collection of taxes, or to give any indulgence or discharge to any assessor or collector of taxes, or to his sureties.

Sixteenth: To authorize the opening, altering, maintaining or vacating roads, highways, streets, alleys, town plats, cemeteries, graveyards, or public grounds not owned by the Commonwealth.

Seventeenth: To grant a charter to any corporation, or to amend the charter of any existing corporation; to license companies or persons to own or operate ferries, bridges, roads or turnpikes; to declare streams navigable, or to authorize the construction of booms or dams therein, or to remove obstructions therefrom; to affect toll gates, or to regulate tolls; to regulate fencing or the running at large of stock.

Eighteenth: To create, increase or decrease fees, percentages or allowances to public officers, or to extend the time for the collection thereof, or to authorize officers to appoint deputies

Nineteenth: To give any person or corporation the right to lay a railroad track or tramway, or to amend existing charters for such purposes.

Twentieth: To provide for conducting elections, or for designating the places of voting, or changing the boundaries of wards, precincts or districts, except when new counties may be created.

Twenty-first: To regulate the rate of interest.

Twenty-second: To authorize the creation, extension, enforcement, impairment or release of liens.

Twenty-third: To provide for the protection of game and fish.

Twenty-fourth: To regulate labor, trade, mining or manufacturing.

Twenty-fifth: To provide for the management of common schools.

Twenty-sixth: To locate or change a county seat.

Twenty-seventh: To provide a means of taking the sense of the people of any city, town, district, precinct, or county, whether they wish to authorize, regulate or prohibit therein the sale of vinous, spirituous or malt liquors, or alter the liquor laws.

Twenty-eighth: Restoring to citizenship persons convicted of infamous crimes.

Twenty-ninth: In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 60. The General Assembly shall not indirectly enact any special or local act by the repeal in part of a general act, or by exempting from the operation of a general act any city, town, district or county; but laws repealing local or special acts may be enacted. No law shall be enacted granting powers or privileges in any case where the granting of such powers or privileges shall have been provided for by a general law, nor where the Courts have jurisdiction to grant the same or to give the relief asked for. No law,

except such as relates to the sale, loan or gift of vinous, spirituous or malt liquors, bridges, turnpikes, or other public roads, public buildings or improvements, fencing, running at large of stock, matters pertaining to common schools, paupers, and the regulation by counties, cities, towns or other municipalities of their local affairs, shall be enacted to take effect upon the approval of any other authority than the General Assembly, unless otherwise expressly provided in this Constitution.

SEC. 61. The General Assembly shall, by general law, provide a means whereby the sense of the people of any county, city, town, district or precinct may be taken, as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated. But nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. All elections on this question may be held on a day other than the regular election days.

SEC. 62. The style of the laws of this Commonwealth shall be as follows: "Be it enacted by the General Assembly of the Commonwealth of Kentucky."

COUNTIES AND COUNTY SEATS.

SEC. 63. No new county shall be created by the General Assembly which will reduce the county or counties, or either of them, from which it shall be taken, to less area than four hundred square miles; nor shall any county be formed of less area; nor shall any boundary line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided. Nothing contained herein shall prevent the General Assembly from abolishing any county.

SEC. 64. No county shall be divided, or have any part stricken therefrom, except in the formation of new counties, without submitting the question to a vote of the people of the county, nor unless the majority of all the legal voters of the county voting on the question shall vote for the same. The county seat of no county as now located or as may hereafter be located, shall be moved, except upon a vote of two-thirds of those voting; nor shall any new county be established which will reduce any county to less than twelve thousand inhabitants, nor shall any county be created containing a less population.

SEC. 65. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division. But the portion so stricken off and added to another county, or formed in whole or in part into a new county, shall be bound for its proportion of the indebtedness of the county from which it has been taken.

IMPEACHMENTS.

SEC. 66. The House of Representatives shall have the sole power of impeachment.

SEC. 67. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 68. The Governor and all civil officers shall be liable to impeachment for any misdemeanors in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this Commonwealth; but the party convicted shall, nevertheless, be subject and liable to indictment, trial and punishment by law.

THE EXECUTIVE DEPARTMENT.

OFFICERS FOR THE STATE AT LARGE.

SEC. 69. The supreme executive power of the Commonwealth shall be vested in a Chief Magistrate, who shall be styled the "Governor of the Commonwealth of Kentucky."

SEC. 70. He shall be elected for the term of four years by the qualified

voters of the State. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the election shall be determined by lot in such manner as the General Assembly may direct.

SEC. 71. He shall be ineligible for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 72. He shall be at least thirty years of age, and have been a citizen and a resident of Kentucky for at least six years next preceding his election.

SEC. 73. He shall commence the execution of the duties of his office on the fifth Tuesday succeeding his election, and shall continue in the execution thereof until his successor shall have qualified.

SEC. 74. He shall at stated times receive for his services a compensation to be fixed by law.

SEC. 75. He shall be Commander-in-Chief of the army and navy of this Commonwealth, and of the militia thereof, except when they shall be called into the service of the United States; but he shall not command personally in the field, unless advised so to do by a resolution of the General Assembly.

SEC. 76. He shall have the power, except as otherwise provided in this Constitution, to fill vacancies by granting commissions, which shall expire when such vacancies shall have been filled according to the provisions of this Constitution.

SEC. 77. He shall have power to remit fines and forfeitures, commute sentences, grant reprieves and pardons, except in case of impeachment, and he shall file with each application therefor, a statement of the reasons for his decision thereon, which application and statement shall always be open to public inspection. In cases of treason, he shall have power to grant reprieves until the end of the next session of the General Assembly, in which the power of pardoning shall be vested; but he shall have no power to remit the fees of the Clerk, Sheriff, or Commonwealth's Attorney in penal or criminal cases.

SEC. 78. He may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

SEC. 79. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may deem expedient.

SEC. 80. He may, on extraordinary occasions, convene the General Assembly at the seat of government, or at a different place, if that should have become dangerous from an enemy or from contagious diseases. In case of disagreement between the two Houses with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the General Assembly it shall be by proclamation, stating the subjects to be considered, and no others shall be considered.

SEC. 81. He shall take care that the laws be faithfully executed.

SEC. 82. A Lieutenant-Governor shall be chosen at every regular election for Governor, in the same manner, to continue in office for the same time, and possess the same qualifications as the Governor. He shall be ineligible to the office of Lieutenant-Governor for the succeeding four years after the expiration of the term for which he shall have been elected.

SEC. 83. He shall, by virtue of his office, be President of the Senate, have a right, when in Committee of the Whole, to debate and vote on all subjects, and when the Senate is equally divided, to give the casting vote.

SEC. 84. Should the Governor be impeached and removed from office, die, refuse to qualify, resign, be absent from the State, or be, from any cause, unable to discharge the duties of his office, the Lieutenant-Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall return or be able to discharge the duties of his office. On the trial of the Governor, the Lieutenant-Governor shall not act as President of the Senate or take part in the proceedings, but the Chief Justice of the Court of Appeals shall preside during the trial.

SEC. 85. A President pro tempore of the Senate shall be elected by each Senate as soon after its organization as possible, the Lieutenant-Governor vacating his seat as President of the Senate until such election shall be made; and as often as there is a vacancy in the office of President pro tempore, another President pro tempore of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant-Governor shall be impeached and removed from office, refuse to qualify, resign, die or be absent from the State, the President pro tempore of the Senate shall in like manner administer the government: Provided, Whenever a vacancy shall occur in the office of Governor before the first two years of the term shall have expired, a new election for Governor shall take place to fill such vacancy.

SEC. 86. The Lieutenant-Governor, or President pro tempore of the Senate, while he acts as President of the Senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and during the time he administers the government as Governor, he shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

SEC. 87. If the Lieutenant-Governor shall be called upon to administer the government, and shall, while in such administration, resign, die or be absent from the State during the recess of the General Assembly, if there be no President pro tempore of the Senate, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen, the Secretary of State shall administer the government. If there be no Secretary of State to perform the duties devolved upon him by this section, or in case that officer be absent from the State, then the Attorney-General, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

SEC. 88. Every bill which shall have passed the two Houses shall be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the objections in full upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of all the members elected to the House shall agree to pass the bill, it shall be sent, with the objections, to the other House, by which it shall likewise be considered, and if approved by a majority of all the members elected to that House, it shall be a law; but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each House respectively. If any bill shall not be returned by the Governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless disapproved by him within ten days after the adjournment, in which case his veto message shall be spread upon the register kept by the Secretary of State. The Governor shall have power to disapprove any part or parts of appropriation bills embracing distinct items, and the part or parts disapproved shall not become a law unless reconsidered and passed, as in case of a bill.

SEC. 89. Every order, resolution or vote, in which the concurrence of both Houses may be necessary, except on a question of adjournment, or as otherwise provided in this Constitution, shall be presented to the Governor, and, before it shall take effect, be approved by him; or being disapproved, shall be repassed by a majority of the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 90. Contested elections for Governor and Lieutenant-Governor shall be determined by both Houses of the General Assembly, according to such regulations as may be established by law.

SEC. 91. A Treasurer, Auditor of Public Accounts, Register of the Land

Office, Commissioner of Agriculture, Labor and Statistics, Secretary of State, Attorney-General and Superintendent of Public Instruction, shall be elected by the qualified voters of the State at the same time the Governor is elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election. The duties of all these officers shall be such as may be prescribed by law, and the Secretary of State shall keep a fair register of and attest all the official acts of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto before either House of the General Assembly. The officers named in this section shall enter upon the discharge of their duties the first Monday in January after their election, and shall hold their offices until their successors are elected and qualified.

SEC. 92. The Attorney-General shall have been a practicing lawyer eight years before his election.

SEC. 93. The Treasurer, Auditor of Public Accounts, Secretary of State, Commissioner of Agriculture, Labor and Statistics, Attorney-General, Superintendent of Public Instruction and Register of the Land office shall be ineligible to re-election for the succeeding four years after the expiration of the term for which they shall have been elected. The duties and responsibilities of these officers shall be prescribed by law, and all fees collected by any of said officers shall be covered into the treasury. Inferior State officers, not specifically provided for in this Constitution, may be appointed or elected, in such manner as may be prescribed by law, for a term not exceeding four years, and until their successors are appointed or elected and qualified.

SEC. 94. The General Assembly may provide for the abolishment of the office of the Register of the Land Office, to take effect at the end of any term, and shall provide by law for the custody and preservation of the papers and records of said office, if the same be abolished.

SEC. 95. The election under this Constitution for Governor, Lieutenant-Governor, Treasurer, Auditor of Public Accounts, Register of the Land Office, Attorney-General, Secretary of State, Superintendent of Public Instruction, and Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after the first Monday in November, eighteen hundred and ninety-five, and the same day every four years thereafter.

SEC. 96. All the officers mentioned in section ninety-five shall be paid for their services by salary, and not otherwise.

OFFICERS FOR DISTRICTS AND COUNTIES.

SEC. 97. At the general election in eighteen hundred and ninety-two there shall be elected in each circuit court district a Commonwealth's Attorney, and in each county a clerk of the circuit court, who shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and shall hold their offices five years, and until their successors are elected and qualified. In the year eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election in each county for a circuit court clerk, and for a Commonwealth's Attorney in each circuit court district, unless that office be abolished, who shall hold their respetive offices for six years from the first Monday in January after their election, and until the election and qualification of their successors.

SEC. 98. The compensation of the Commonwealth's Attorney shall be by salary and such percentage of fines and forfeitures as may be fixed by law, and such salary shall be uniform in so far as the same shall be paid out of the State Treasury, and not to exceed the sum of five hundred dollars per annum; but any county may make additional compensation, to be paid by said county. Should any percentage of fines and forfeitures be allowed by law, it shall not be paid except upon such proportion of the fines and forfeitures as have been collected and paid into the State Treasury, and not until so collected and paid.

SEC. 99. There shall be elected in eighteen hundred and ninety-four in

each county a Judge of the County Court, a County Court Clerk, a County Attorney, Sheriff, Jailer, Coroner, Surveyor and Assessor, and in each Justice's District one Justice of the Peace and one Constable, who shall enter upon the discharge of the duties of their offices on the first Monday in January after their election, and continue in office three years, and until the election and qualification of their successors; and in eighteen hundred and ninety-seven, and every four years thereafter, there shall be an election in each county of the officers mentioned, who shall hold their offices four years (from the first Monday in January after their election), and until the election and qualification of their successors. The first election of Sheriffs under this Constitution shall be held in eighteen hundred and ninety-two and the Sheriffs then elected shall hold their offices two years and until the election and qualification of their successors. The Sheriffs now in office for their first term shall be eligible to re-election in eighteen hundred and ninety-two, and those elected in eighteen hundred and ninety-two for the first term shall be eligible to re-election in eighteen hundred and ninety-four, but thereafter no Sheriff shall be eligible to re-election or to act as deputy for the succeeding term.

SEC. 100. No person shall be eligible to the offices mentioned in sections ninety-seven and ninety-nine, who is not at the time of his election twenty-four years of age (except Clerks of County and Circuit Courts, who shall be twenty-one years of age), a citizen of Kentucky, and who has not resided in the State two years, and one year next preceding his election in the county and district in which he is a candidate. No person shall be eligible to the office of Commonwealth's Attorney unless he shall have been a licensed practicing lawyer four years. No person shall be eligible to the office of County Attorney unless he shall have been a licensed practicing lawyer two years. No person shall be eligible to the office of Clerk unless he shall have procured from a Judge of the Court of Appeals, or a Judge of a Circuit Court, a certificate that he has been examined by the Clerk of his Court under his supervision, and that he is qualified for the office for which he is a candidate.

SEC. 101. Constables shall possess the same qualifications as Sheriffs, and their jurisdictions shall be co-extensive with the counties in which they reside. Constables now in office shall continue in office until their successors are elected and qualified.

SEC. 102. When a new county shall be created, officers for the same, to serve until the next regular election, shall be elected or appointed in such way and at such times as the General Assembly may prescribe.

SEC. 103. The Judges of County Courts, Clerks, Sheriffs, Surveyors, Coroners, Jailers, Constables, and such other officers as the General Assembly may, from time to time, require, shall, before they enter upon the duties of their respective offices, and as often thereafter as may be deemed proper, give such bond and security as may be prescribed by law.

SEC. 104. The General Assembly may abolish the office of Assessor and provide that the assessment of property shall be made by other officers; but it shall have power to re-establish the office of Assessor and prescribe its duties. No person shall be eligible to the office of Assessor two consecutive terms.

SEC. 105. The General Assembly may, at any time, consolidate the offices of Jailer and Sheriff in any county or counties, as it shall deem most expedient; but in the event such consolidation be made, the office of Sheriff shall be retained, and the Sheriff shall be required to perform the duties of Jailer.

SEC. 106. The fees of county officers shall be regulated by law. In counties or cities having a population of seventy-five thousand or more, the Clerks of the respective courts thereof (except the Clerk of the City Court), the Marshals, the Sheriffs and the Jailers, shall be paid out of the State Treasury, by salary to be fixed by law, the salaries of said officers and of their deputies and necessary office expenses not to exceed seventy-five per centum of the fees collected by said officers, respectively, and paid into the Treasury.

SEC. 107. The General Assembly may provide for the election or appoint-

ment, for a term not exceeding four years, of such other county or district ministerial and executive offices as may, from time to time, be necessary.

SEC. 108. The General Assembly may, at any time after the expiration of six years from the adoption of this Constitution, abolish the office of Commonwealth's Attorney, to take effect upon the expiration of the terms of the incumbents, in which event the duties of said office shall be discharged by the County Attorneys.

THE JUDICIAL DEPARTMENT.

SEC. 109. The judicial power of the Commonwealth, both as to matters of law and equity, shall be vested in the Senate when sitting as a court of impeachment, and one Supreme Court (to be styled the Court of Appeals) and the courts established by this Constitution.

COURT OF APPEALS.

SEC. 110. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the State, under such restrictions and regulations not repugnant to this Constitution, as may from time to time be prescribed by law. Said court shall have power to issue such writs as may be necessary to give it a general control of inferior jurisdictions.

SEC. 111. The Court of Appeals shall be held at the seat of government; but if that shall become dangerous, in case of war, insurrection or pestilence, it may adjourn to meet and transact its business at such other place in the State as it may deem expedient for the time being.

SEC. 112. The Judges of the Court of Appeals shall severally hold their offices for the term of eight years, commencing on the first Monday in January next succeeding their respective elections, and until their several successors are qualified, subject to the conditions hereinafter prescribed. For any reasonable cause the Governor shall remove them, or any one or more of them, on the address of two-thirds of each House of the General Assembly. The cause or causes for which said removal shall be required shall be stated at length in such address and in the journal of each House. They shall at stated times receive for their services an adequate compensation, to be fixed by law.

SEC. 113. The Court of Appeals shall, after eighteen hundred and ninety-four, consist of not less than five nor more than seven Judges. They shall, severally, by virtue of their office, be conservators of the peace throughout the State, and shall be commissioned by the Governor.

SEC. 114. No person shall be eligible to election as a Judge of the Court of Appeals who is not a citizen of Kentucky and has not resided in this State five years and in the district in which he is elected two years next preceding his election, and who is less than thirty-five years of age, and has not been a practicing lawyer eight years, or whose services upon the bench of a Circuit Court or court of similar jurisdiction, when added to the time he may have practiced law, shall not be equal to eight years.

SEC. 115. The present Judges of the Court of Appeals shall hold their offices until their respective terms expire, and until their several successors shall be qualified; and at the regular election next preceding the expiration of the term of each of the present Judges, his successor shall be elected. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, provide for the election of such Judges of the Court of Appeals, not less than five nor exceeding seven, as may be necessary; and if less than seven Judges be provided for, the General Assembly may, at any time, increase the number to seven.

SEC. 116. The Judges of the Court of Appeals shall be elected by districts. The General Assembly shall, before the regular election in eighteen hundred and ninety-four, divide the State, by counties, into as many districts, as nearly equal in population and as compact in form as possible, as it may provide shall be the number of Judges of the Court of Appeals; and it may, every ten years thereafter, or when the number of Judges requires it, redistrict the State in like manner. Upon the creation of new or additional

districts, the General Assembly shall designate the year in which the first election for a Judge of the Court of Appeals shall be held in each district, so that not more than the number of Judges provided for shall be elected, and that no Judge may be deprived of his office until the expiration of the term for which he was elected.

SEC. 117. A majority of the Judges of the Court of Appeals shall constitute a quorum for the transaction of business, but in the event as many as two decline, on account of interest or for other reason, to preside in the trial of any cause, the Governor, on that fact being certified to him by the Chief Justice, shall appoint to try the particular cause a sufficient number of Judges to constitute a full court. The Judges so appointed shall possess the qualifications prescribed for Judges of the Court of Appeals, and receive the same compensation proportioned to the length of service.

SEC. 118. The Judge longest in commission as Judge of the Court of Appeals shall be Chief Justice, and if the term of service of two or more Judges be the same, they shall determine by lot which of their number shall be Chief Justice. The Court shall prescribe by rule that petitions for rehearing shall be considered by a Judge who did not deliver the opinion in the case; and the Court, if composed of seven Judges, shall divide itself into sections for the transaction of business, if, in the judgment of the Court, such arrangement is necessary.

SEC. 119. The Superior Court shall continue until the terms of the present Judges of said Court expire, and upon the expiration of their terms, all causes pending before the Superior Court shall be transferred to the Court of Appeals and be determined by it.

SEC. 120. The present Clerk of the Court of Appeals shall serve until the expiration of the term for which he was elected, and until his successor is elected and qualified. At the election in the year eighteen hundred and ninety-seven there shall be elected by the qualified voters of the State a Clerk of the Court of Appeals, who shall take his office the first Monday in September, eighteen hundred and ninety-eight, and who shall hold his office until the regular election in nineteen hundred and three, and until his successor shall be elected and qualified. In nineteen hundred and three and thereafter, the Clerk of the Court of Appeals shall be elected at the same time as the Governor for the term of four years; and the said Clerk shall take his office on the first Monday in January following his election, and shall hold his office until his successor is elected and qualified. The Clerk shall be ineligible for the succeeding term.

SEC. 121. No person shall be eligible to the office of Clerk of the Court of Appeals unless he is a citizen of Kentucky, a resident thereof for two years next preceding his election, of the age of twenty-one years, and have a certificate from a Judge of the Court of Appeals that he has been examined by him, or by the Clerk of his Court under his supervision, and that he is qualified for the office.

SEC. 122. Should a vacancy occur in the office of the Clerk of the Court of Appeals, or should the Clerk be under charges, the Court of Appeals shall have power to appoint a Clerk until the vacancy be filled as provided in this Constitution, or until the Clerk be acquitted.

SEC. 123. The style of process shall be, "The Commonwealth of Kentucky." All prosecutions shall be carried on in the name and by the authority of the "Commonwealth of Kentucky," and conclude against the peace and dignity of the same.

SEC. 124. The Clerk of the Court of Appeals, Circuit and County Courts, shall be removable from office by the Court of Appeals, upon information and good cause shown. The Court shall be judge of the facts as well as the law. Two-thirds of the members present must concur in the sentence.

CIRCUIT COURTS.

SEC. 125. A Circuit Court shall be established in each county now existing, or which may hereafter be created, in this Commonwealth.

SEC. 126. The jurisdiction of said Court shall be and remain as now established, hereby giving to the General Assembly the power to change it.

SEC. 127. The right to appeal or sue out a writ of error shall remain as it now exists until altered by law, hereby giving to the General Assembly the power to change or modify said right.

SEC. 128. At its first session after the adoption of this Constitution, the General Assembly, having due regard to territory, business and population, shall divide the State into a sufficient number of judicial districts to carry into effect the provisions of this Constitution concerning Circuit Courts. In making such apportionment no county shall be divided, and the number of said districts, excluding those in counties having a population of one hundred and fifty thousand, shall not exceed one district for each sixty thousand of the population of the entire State.

SEC. 129. The General Assembly shall, at the same time the judicial districts are laid off, direct elections to be held in each district to elect a judge therein. The first election of judges of the Circuit Courts under this Constitution shall take place at the annual election in the year eighteen hundred and ninety-two, and the Judges then elected shall enter upon the discharge of the duties of their respective offices on the first Monday in January after their election, and hold their offices five years, and until their successors are elected and qualified. At the general election in eighteen hundred and ninety-seven, and every six years thereafter, there shall be an election for Judges of the circuit courts, who shall hold their offices for six years from the first Monday in January succeeding their election. They shall be commissioned by the Governor, and continue in office until their successors shall have been qualified, but shall be removable in the same manner as the Judges of the Court of Appeals. The removal of a Judge from his district shall vacate his office.

SEC. 130. No person shall be eligible as Judge of the Circuit Court who is less than thirty-five years of age when elected, who is not a citizen of Kentucky, and a resident of the district in which he may be a candidate two years next preceding his election, and who has not been a practicing lawyer eight years.

SEC. 131. There shall be at least three regular terms of Circuit Court held in each county every year.

SEC. 132. The General Assembly, when deemed necessary, may establish additional districts; but the whole number of districts, exclusive of counties having a population of one hundred and fifty thousand, shall not exceed at any time one for every sixty thousand of population of the State according to the last enumeration.

SEC. 133. The Judges of the Circuit Court shall, at stated times, receive for their services an adequate compensation to be fixed by law, which shall be equal and uniform throughout the State, so far as the same shall be paid out of the State Treasury.

SEC. 134. The Judicial Districts of the State shall not be changed except at the first session after an enumeration, unless upon the establishment of a new district.

SEC. 135. No courts, save those provided for in this Constitution, shall be established.

SEC. 136. The General Assembly shall provide by law for holding Circuit Courts when, from any cause, the Judge shall fail to attend, or, if in attendance, can not properly preside.

SEC. 137. Each county having a population of one hundred and fifty thousand or over, shall constitute a district, which shall be entitled to four Judges. Additional Judges for said district may, from time to time, be authorized by the General Assembly, but not to exceed one Judge for each increase of forty thousand of population in said county, to be ascertained by the last enumeration. Each of the Judges in such a district shall hold a separate court, except when a general term may be held for the purpose of making rules of court, or as may be required by law: Provided, No general term shall

have power to review any order, decision or proceeding of any branch of the court in said district made in separate term. There shall be one Clerk for such district, who shall be known as the Clerk of the Circuit Court. Criminal causes shall be under the exclusive jurisdiction of some one branch of said court, and all other litigation in said district, of which the Circuit Court may have jurisdiction, shall be distributed as equally as may be between the other branches thereof, in accordance with the rules of the court made in general term or as may be prescribed by law.

SEC. 138. Each county having a city of twenty thousand inhabitants, and a population, including said city, of forty thousand or more, may constitute a district, and when its population reaches seventy-five thousand, the General Assembly may provide that it shall have an additional Judge, and such district may have a Judge for each additional fifty thousand population above one hundred thousand. And in such counties the General Assembly shall, by proper laws, direct in what manner the court shall be held and the business therein conducted.

QUARTERLY COURTS.

SEC. 139. There shall be established in each county now existing, or which may be hereafter created, in this State, a Court, to be styled the Quarterly Court, the jurisdiction of which shall be uniform throughout the State, and shall be regulated by a general law, and, until changed, shall be the same as that now vested by law in the Quarterly Courts of this Commonwealth. The Judges of the County Court shall be the Judges of the Quarterly Courts.

COUNTY COURTS.

SEC. 140. There shall be established in each county now existing, or which may be hereafter created, in this State, a Court to be styled the County Court, to consist of a Judge, who shall be a conservator of the peace, and shall receive such compensation for his services as may be prescribed by law. He shall be commissioned by the Governor, and shall vacate his office by removal from the county in which he may have been elected.

SEC. 141. The jurisdiction of the County Court shall be uniform throughout the State, and shall be regulated by general law, and, until changed, shall be the same as now vested in the County Courts of this State by law.

JUSTICES' COURTS.

SEC. 142. Each county now existing, or which may hereafter be created, in this State, shall be laid off into districts in such manner as the General Assembly may direct; but no county shall have less than three nor more than eight districts, in each of which districts one Justice of the Peace shall be elected as provided in section ninety-nine. The General Assembly shall make provisions for regulating the number of said districts from time to time within the limits herein prescribed, and for fixing the boundaries thereof. The jurisdiction of Justices of the Peace shall be co-extensive with the county, and shall be equal and uniform throughout the State. Justices of the Peace shall be conservators of the peace. They shall be commissioned by the Governor, and shall vacate their offices by removal from the districts, respectively, in which they may have been elected.

POLICE COURTS.

SEC. 143. A Police Court may be established in each city and town in this State, with jurisdiction in cases of violation of municipal ordinances and by-laws occurring within the corporate limits of the city or town in which it is established, and such criminal jurisdiction within the said limits as Justices of the Peace have. The said Courts may be authorized to act as examining Courts, but shall have no civil jurisdiction: Provided, The General Assembly may confer civil jurisdiction on Police Courts in cities and towns of the fourth and fifth classes and in towns of the sixth class having a population of two hundred and fifty or more, which jurisdiction shall be uniform throughout the State, and not exceed that of Justices of the Peace.

FISCAL COURTS.

SEC. 144. Counties shall have a Fiscal Court, which may consist of the Judge of the County Court and the Justices of the Peace, in which Court the Judge of the County Court shall preside, if present; or a county may have three Commissioners, to be elected from the county at large, who, together with the Judge of the County Court, shall constitute the Fiscal Court. A majority of the members of said Court shall constitute a Court for the transaction of business. But where, for county governmental purposes, a city is by law separated from the remainder of the county, such Commissioners may be elected from the part of the county outside of such city.

SUFFRAGE AND ELECTIONS.

SEC. 145. Every male citizen of the United States of the age of twenty-one years, who has resided in the State one year, and in the county six months, and in the precinct in which he offers to vote sixty days, next preceding the election, shall be a voter in said precinct and not elsewhere; but the following persons are excepted and shall not have the right to vote:

First: Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage; but persons hereby excluded may be restored to their civil rights by Executive pardon.

Second: Persons, who, at the time of the election, are in confinement under the judgment of a court for some penal offense.

Third: Idiots and insane persons.

SEC. 146. No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

SEC. 147. The General Assembly shall provide by law for the registration of all persons entitled to vote in cities and towns having a population of five thousand or more; and may provide by general law for the registration of other voters in the State. Where registration is required, only persons registered shall have the right to vote. The mode of registration shall be prescribed by the General Assembly. In all elections by persons in a representative capacity the voting shall be viva voce and made a matter of record; but all elections by the people shall be by secret official ballot, furnished by public authority to the voters at the polls, and marked by each voter in private at the polls, and then and there deposited. The word "Elections" in this section includes the decision of questions submitted to the voters, as well as the choice of officers by them. The first General Assembly held after the adoption of this Constitution shall pass all necessary laws to enforce this provision, and shall provide that persons illiterate, blind, or in any way disabled, may have their ballots marked as herein required.

SEC. 148. Not more than one election each year shall be held in this State or in any city, town, district, or county thereof, except as otherwise provided in this Constitution. All elections of State, county, city, town or district officers shall be held on the first Tuesday after the first Monday in November; but no officer of any city, town, or county, or of any subdivision thereof, except members of municipal legislative boards, shall be elected in the same year in which members of the House of Representatives of the United States are elected. District or State officers, including members of the General Assembly, may be elected in the same year in which members of the House of Representatives of the United States are elected. All elections by the people shall be between the hours of six o'clock A. M. and seven o'clock P. M., but the General Assembly may change said hours, and all officers of any election shall be residents and voters in the precinct in which they act. The General Assembly shall provide by law that all employers shall allow employees, under reasonable regulations, at least four hours on election days, in which to cast their votes.

SEC. 149. Voters, in all cases except treason, felony, breach or surety

of the peace, or violation of the election laws, shall be privileged from arrest during their attendance at elections, and while they are going to and returning therefrom.

SEC. 150. Every person shall be disqualified from holding any office of trust or profit for the term for which he shall have been elected who shall be convicted of having given, or consented to the giving, offer or promise of any money or other thing of value, to procure his election, or to influence the vote of any voter at such election; and if any corporation shall, directly or indirectly, offer, promise or give, or shall authorize, directly or indirectly, any person to offer, promise or give any money or any thing of value to influence the result of any election in this State, or the vote of any voter authorized to vote therein, or who shall afterward reimburse or compensate, in any manner whatever, any person who shall have offered, promised or given any money or other thing of value to influence the result of any election or the vote of any such voter, such corporation if organized under the laws of this Commonwealth, shall, on conviction thereof, forfeit its charter and all rights, privileges and immunities thereunder; and if chartered by another State and doing business in this State, whether by license, or upon mere sufferance, such corporation upon conviction of either of the offenses aforesaid, shall forfeit all right to carry on any business in this State; and it shall be the duty of the General Assembly to provide for the enforcement of the provisions of this section. All persons shall be excluded from office who have been, or shall hereafter be, convicted of a felony, or of such high misdemeanor as may be prescribed by law, but such disability may be removed by pardon of the Governor. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult or other improper practices.

SEC. 151. The General Assembly shall provide suitable means for depriving of office any person who, to procure his nomination or election, has, or his canvass or election, been guilty of any unlawful use of money, or other thing of value, or has been guilty of fraud, intimidation, bribery, or any other corrupt practice, and he shall be held responsible for acts done by others with his authority, or ratified by him.

SEC. 152. Except as otherwise provided in this Constitution, vacancies in all elective offices shall be filled by election or appointment, as follows: If the unexpired term will end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment for the remainder of the term. If the unexpired term will not end at the next succeeding annual election at which either city, town, county, district, or State officers are to be elected, and if three months intervene before said succeeding annual election at which either city, town, county, district, or State officers are to be elected, the office shall be filled by appointment until said election, and then said vacancy shall be filled by election for the remainder of the term. If three months do not intervene between the happening of said vacancy and the next succeeding election at which city, town, county, district or State officers are to be elected, the office shall be filled by appointment until the second succeeding annual election at which city, town, county, district or State officers are to be elected; and then, if any part of the term remains unexpired, the office shall be filled by election until the regular time for the election of officers to fill said offices. Vacancies in all offices for the State at large, or for districts larger than a county, shall be filled by appointment of the Governor; all other appointments shall be made as may be prescribed by law. No person shall ever be appointed a member of the General Assembly, but vacancies therein may be filled at a special election, in such manner as may be provided by law.

SEC. 153. Except as otherwise herein expressly provided, the General Assembly shall have power to provide by general law for the manner of voting, for ascertaining the result of elections and making due returns thereof, for issuing certificates or commissions to all persons entitled thereto, and for the trial of contested elections.

SEC. 154. The General Assembly shall prescribe such laws as may be necessary for the restriction or prohibition of the sale or gift of spirituous vinous or malt liquors on election days.

Sec. 155. The provisions of sections one hundred and forty-five to one hundred and fifty-four, inclusive, shall not apply to the election of school trustees and other common school district elections. Said elections shall be regulated by the General Assembly, except as otherwise provided in this Constitution.

MUNICIPALITIES.

SEC. 156. The cities and towns of this Commonwealth, for the purposes of their organization and government, shall be divided into six classes. The organization and powers of each class shall be defined and provided for by general laws, so that all municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. To the first class shall belong cities with a population of one hundred thousand or more; to the second class, cities with a population of twenty thousand or more, and less than one hundred thousand; to the third class, cities with a population of eight thousand or more, and less than twenty thousand; to the fourth class cities and towns with a population of three thousand or more, and less than eight thousand; to the fifth class, cities and towns with a population of one thousand or more, and less than three thousand; to the sixth class, towns with a population of less than one thousand. The General Assembly shall assign the cities and towns of the Commonwealth to the classes to which they respectively belong, and change assignments made as the population of said cities and towns may increase or decrease, and in the absence of other satisfactory information as to their population, shall be governed by the last preceding Federal census in so doing; but no city or town shall be transferred from one class to another, except in pursuance of a law previously enacted and providing therefor. The General Assembly, by a general law, shall provide how towns may be organized, and enact laws for the government of such towns until the same are assigned to one or the other of the classes above named; but such assignment shall be made at the first session of the General Assembly after the organization of said town or city.

SEC. 157. The tax rate of cities, towns, counties, taxing districts and other municipalities, for other than school purposes, shall not, at any time, exceed the following rates upon the value of taxable property therein, viz.: For all towns or cities having a population of fifteen thousand or more, one dollar and fifty cents on the hundred dollars; for all towns or cities having less than fifteen thousand and not less than ten thousand, one dollar on the hundred dollars; for all towns or cities having less than ten thousand, seventy-five cents on the hundred dollars; and for counties and taxing districts, fifty cents on the hundred dollars; unless it should be necessary to enable such city, town, county, or taxing district to pay the interest on, and provide a sinking fund for the extinction of, indebtedness contracted before the adoption of this Constitution. No county, city, town, taxing district, or other municipality shall be authorized or permitted to become indebted, in any manner or for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose; and any indebtedness contracted in violation of this section shall be void. Nor shall such contract be enforceable by the person with whom made; nor shall such municipality ever be authorized to assume the same.

SEC. 158. The respective cities, towns, counties, taxing districts, and municipalities shall not be authorized or permitted to incur indebtedness to an amount, including existing indebtedness, in the aggregate exceeding the following named maximum percentages on the value of the taxable property therein, to be estimated by the assessment next before the last assessment previous to the incurring of the indebtedness, viz.: Cities of the first and second classes, and of the third class having a population exceeding fifteen thousand, ten per centum; cities of the third class having a population of

ess than fifteen thousand, and cities and towns of the fourth class, five per entum; cities and towns of the fifth and sixth classes, three per centum; nd counties, taxing districts and other municipalities, two per centum: Provided: Any city, town, county, taxing district or other municipality may contract an indebtedness in excess of such limitations when the same has been uthorized under laws in force prior to the adoption of this Constitution, or hen necessary for the completion of and payment for a public improvement ndertaken and not completed and paid for at the time of the adoption of his Constitution: And provided further, If, at the time of the adoption of his Constitution, the aggregate indebtedness, bonded or floating, of any city, own, county, taxing district or other municipality, including that which it as been or may be authorized to contract as herein provided, shall exceed he limit herein prescribed, then no such city or town shall be authorized or ermitted to increase its indebtedness in an amount exceeding two per centum, nd no such county, taxing district or other municipality, in an amount exeeding one per centum, in the aggregate upon the value of the taxable propty therein, to be ascertained as herein provided, until the aggregate of its ndebtedness shall have been reduced below the limit herein fixed, and thereafter it shall not exceed the limit, unless in case of emergency, the public ealth or safety should so require. Nothing herein shall prevent the issue f renewal bonds, or bonds to fund the floating indebtedness of any city, town, ounty, taxing district or other municipality.

SEC. 159. Whenever any county, city, town, taxing district or other municipality is authorized to contract an indebtedness, it shall be required, at the ame time, to provide for the collection of an annual tax sufficient to pay the nterest on said indebtedness, and to create a sinking fund for the payment f the principal thereof, within not more than forty years from the time of ontracting the same.

SEC. 160. The Mayor or Chief Executive, Police Judges, members of legisative boards or councils of towns and cities shall be elected by the qualified oters thereof: Provided, The Mayor or Chief Executive and Police Judges f the towns of the fourth, fifth and sixth classes may be appointed or elected s provided by law. The terms of office of Mayors or Chief Executives and olice Judges shall be four years, and until their successors shall be qualified; and of members of legislative boards, two years. When any city of he first or second class is divided into wards or districts, members of legisative boards shall be elected at large by the qualified voters of said city, but o selected that an equal proportion thereof shall reside in each of the said ards or districts; but when in any city of the first, second or third class, here are two legislative boards, the less numerous shall be selected from and ected by the voters at large of said city; but other officers of towns or cities hall be elected by the qualified voters therein, or appointed by the local uthorities thereof, as the General Assembly may, by a general law, provide; ut when elected by the voters of a town or city, their terms of office shall be our years, and until their successors shall be qualified. No Mayor or Chief xecutive or fiscal officer of any city of the first or second class, after the xpiration of the term of office to which he has been elected under this Conitution, shall be eligible for the succeeding term. "Fiscal officer" shall not nclude an Auditor or Assessor, or any other officer whose chief duty is not he collection or holding of public moneys. The General Assembly shall preribe the qualifications of all officers of towns and cities, the manner in and auses for which they may be removed from office, and how vacancies in such ffices may be filled.

SEC. 161. The compensation of any city, county, town or municipal officer hall not be changed after his election or appointment, or during his term f office; nor shall the term of any such officer be extended beyond the period or which he may have been elected or appointed.

SEC. 162. No county, city, town or other municipality shall ever be auhorized or permitted to pay any claim created against it, under any agreeent or contract made without express authority of law, and all such unauhorized agreements or contracts shall be null and void.

SEC. 163. No street railway, gas, water, steam heating, telephone, or electric light company, within a city or town, shall be permitted or authorized to construct its tracks, lay its pipes or mains, or erect its poles, posts or other apparatus along, over, under or across the streets, alleys or public grounds of a city or town, without the consent of the proper legislative bodies or boards of such city or town being first obtained; but when charters have been heretofore granted conferring such rights, and work has in good faith been begun thereunder, the provisions of this section shall not apply.

SEC. 164. No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefor publicly, and award the same to the highest and best bidder; but it shall have the right to reject any or all bids. This section shall not apply to a trunk railway.

SEC. 165. No person shall, at the same time, be a State officer or a deputy officer, or member of the General Assembly, and an officer of any county, city, town, or other municipality, or an employee thereof; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities, except as may be otherwise provided in this Constitution; but a Notary Public, or an officer of the militia, shall not be ineligible to hold any other office mentioned in this section.

SEC. 166. All acts of incorporation of cities and towns heretofore granted, and all amendments thereto, except as provided in section one hundred and sixty-seven, shall continue in force under this Constitution, and all City and Police Courts established in any city or town shall remain, with their present powers and jurisdictions, until such time as the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof; but not longer than four years from and after the first day of January, one thousand eight hundred and ninety-one, within which time the General Assembly shall provide by general laws for the government of towns and cities, and the officers and courts thereof, as provided in this Constitution.

SEC. 167. All city and town officers in this State shall be elected or appointed as provided in the charter of each respective town and city, until the general election in November, 1893, and until their successors shall be elected and qualified, at which time the terms of all such officers shall expire; and at that election, and thereafter as their terms of office may expire, all officers required to be elected in cities and towns by this Constitution, or by general laws enacted in conformity to its provisions, shall be elected at the general elections in November, but only in the odd years, except members of municipal legislative boards, who may be elected either in the even or odd years, or part in the even and part in the odd years: Provided, That the terms of office of Police Judges, who were elected for four years at the August election, eighteen hundred and ninety, shall expire August thirty-first, eighteen hundred and ninety-four, and the terms of Police Judges elected in November, eighteen hundred and ninety-three, shall begin September first, eighteen hundred and ninety-four, and continue until the November election, eighteen hundred and ninety-seven, and until their successors are elected and qualified.

SEC. 168. No municipal ordinance shall fix a penalty for a violation thereof at less than that imposed by statute for the same offense. A conviction or acquittal under either shall constitute a bar to another prosecution for the same offense.

REVENUE AND TAXATION.

SEC. 169. The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

SEC. 170. There shall be exempt from taxation public property used for public purposes; places actually used for religious worship, with the grounds attached thereto and used and appurtenant to the house of worship, not exceeding one-half acre in cities or towns, and not exceeding two acres in the

country; places of burial not held for private or corporate profit, institutions of purely public charity, and institutions of education not used or employed for gain by any person or corporation, and the income of which is devoted solely to the cause of education; public libraries, their endowments, and the income of such property as is used exclusively for their maintenance; all parsonages or residences owned by any religious society, and occupied as a home, and for no other purpose, by the minister of any religion, with not exceeding one-half acre of ground in towns and cities and two acres of ground in the country appurtenant thereto; household goods and other personal property of a person with a family, not exceeding two hundred and fifty dollars in value; crops grown in the year in which the assessment is made, and in the hands of the producer; and all laws exempting or commuting property from taxation other than the property above mentioned shall be void. The General Assembly may authorize any incorporated city or town to exempt manufacturing establishments from municipal taxation, for a period not exceeding five years, as an inducement to their location.

SEC. 171. The General Assembly shall provide by law an annual tax, which with other resources, shall be sufficient to defray the estimated expenses of the Commonwealth for each fiscal year. Taxes shall be levied and collected for public purposes only and shall be uniform upon all property of the same class subject to taxation within the territorial limits of the authority levying the tax; and all taxes shall be levied and collected by general laws.

The General Assembly shall have power to divide property into classes and to determine what class or classes of property shall be subject to local taxation. Bonds of the State and of counties, municipalities, taxing and school districts shall not be subject to taxation.

Any law passed or enacted by the General Assembly pursuant to the provisions of or under this amendment or amended section of the Constitution, classifying property and providing a lower rate of taxation on personal property, tangible or intangible, than upon real estate, shall be subject to the referendum power of the people, which is hereby declared to exist to apply only to this section, or amended section. The referendum may be demanded by the people against one or more items, sections or parts of any Act enacted pursuant to or under the power granted by this amendment, or amended section. The referendum petition shall be filed with the Secretary of State not more than four months after the final adjournment of the Legislative Assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people under this section. All elections on measures referred to the people under this act shall be at the regular general elections, except when the Legislative Assembly shall order a special election. Any measure referred to the people shall take effect and become a law when approved by the majority of the votes cast thereon, and not otherwise. The whole number of votes cast for the candidates for Governor at the regular election last preceding the filing of any petition shall be the basis upon which the legal voters necessary to sign such petition shall be counted. The power of the referendum shall be ordered by the Legislative Assembly at any time any acts or bills are enacted, pursuant to the power granted under this section or amended section, prior to the year of one thousand nine hundred and seventeen. After that time, the power of the referendum may be ordered either by the petition signed by five per cent of the legal voters or by the Legislative Assembly at the time said acts or bills are enacted. The General Assembly enacting the bill shall provide a way by which the act shall be submitted to the people. The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative.[1]

SEC. 172. All property, not exempted from taxation by this Constitution, shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer, or other person

[1] Amendment proposed by the legislature of 1914 and ratified at the election of November 2, 1915.

authorized to assess values for taxation, who shall commit any willful error in the performance of his duty, shall be deemed guilty of misfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

SEC. 173. The receiving, directly or indirectly, by any officer of the Commonwealth, or of any county, city or town, or member or officer of the General Assembly, of any interest, profit or perquisites arising from the use or loan of public funds in his hands, or moneys to be raised through his agency for State, city, town, district or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 174. All property, whether owned by natural persons or corporations, shall be taxed in proportion to its value, unless exempted by this Constitution; and all corporate property shall pay the same rate of taxation paid by individual property. Nothing in this Constitution shall be construed to prevent the General Assembly from providing for taxation based on income, licenses or franchises.

SEC. 175. The power to tax property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

SEC. 176. The Commonwealth shall not assume the debt of any county, municipal corporation or political subdivision of the State, unless such debt shall have been contracted to defend itself in time of war, to repel invasion or to suppress insurrection.

SEC. 177. The credit of the Commonwealth may be given, pledged or loaned to any county of the Commonwealth for public road purposes, and any county may be permitted to incur an indebtedness in any amount fixed by the county, not in excess of five per centum of the value of the taxable property therein, for public road purposes in said county, provided said additional indebtedness is submitted to the voters of the county for their ratification or rejection at a special election held for said purpose, in such manner as may be provided by law and when any such indebtedness is incurred by any county said county may levy, in addition to the tax rate allowed under section 157 of the Constitution of Kentucky, an amount not exceeding twenty cents on the one hundred dollars of the assessed valuation of said county for the purpose of paying the interest on said indebtedness and providing a sinking fund for the payment of said indebtedness.[2]

SEC. 178. All laws authorizing the borrowing of money by and on behalf of the Commonwealth, county or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 179. The General Assembly shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association or individual, except for the purpose of constructing or maintaining bridges, turnpike roads, or gravel roads; Provided, If any municipal corporation shall offer to the Commonwealth any property or money for locating or building a Capitol, and the Commonwealth accepts such offer, the corporation may comply with the offer.

SEC. 180. The General Assembly may authorize the counties, cities or towns to levy a poll tax not exceeding one dollar and fifty cents per head. Every act enacted by the General Assembly, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 181. The General Assembly shall not impose taxes for the purposes

[2] Amendment proposed by the legislature of 1908 and ratified at the election of November 2, 1909. The Code of 1915 gives this amendment as section 157a.

of any county, city, town or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect taxes. The General Assembly may, by general laws only, provide for the payment of license fees on franchises, stock used for breeding purposes, the various trades, occupations and professions, or a special or excise tax; and may, by general laws, delegate the power to counties, towns, cities and other municipal corporations, to impose and collect license fees on stock used for breeding purposes, on franchises, trades, occupations and professions. And the General Assembly may, by general laws only, authorize cities or towns of any class to provide for taxation for municipal purposes, on personal property, tangible and intangible, based on income, licenses or franchises, in lieu of an ad valorem tax thereon: Provided, Cities of the first class shall not be authorized to omit the imposition of an ad valorem tax on such property of any steam railroad, street railway, ferry, bridge, gas, water, heating, telephone, telegraph, electric light or electric power company.[3]

SEC. 182. Nothing in this Constitution shall be construed to prevent the General Assembly from providing by law how railroads and railroad property shall be assessed and how taxes thereon shall be collected. And until otherwise provided, the present law on said subject shall remain in force.

EDUCATION.

SEC. 183. The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.

SEC. 184. The bond of the Commonwealth issued in favor of the Board of Education for the sum of one million three hundred and twenty-seven thousand dollars shall constitute one bond of the Commonwealth in favor of the Board of Education, and this bond and the seventy-three thousand five hundred dollars of the stock in the Bank of Kentucky, held by the Board of Education, and its proceeds, shall be held inviolate for the purpose of sustaining the system of common schools. The interest and dividends of said fund, together with any sum which may be produced by taxation or otherwise for purposes of common school education, shall be appropriated to the common schools, and to no other purpose. No sum shall be raised or collected for education other than in common schools until the question of taxation is submitted to the legal voters, and the majority of the votes cast at said election shall be in favor of such taxation: Provided, The tax now imposed for educational purposes, and for the endowment and maintenance of the Agricultural and Mechanical College, shall remain until changed by law.

SEC. 185. The General Assembly shall make provision, by law, for the payment of the interest of said school fund, and may provide for the sale of the stock in the Bank of Kentucky; and in case of a sale of all or any part of said stock, the proceeds of sale shall be invested by the Sinking Fund Commissioners in other good interest-bearing stocks or bonds, which shall be subject to sale and reinvestment, from time to time, in like manner, and with the same restrictions, as provided with reference to the sale of the said stock in the Bank of Kentucky.

SEC. 186. Each county in the Commonwealth shall be entitled to its proportion of the school fund on its census of pupil children for each school year; and if the pro rata share of any school district be not called for after the second school year, it shall be covered into the treasury and be placed to the credit of the school fund for general apportionment the following school year. The surplus now due the several counties shall remain a perpetual obligation against the commonwealth for the benefit of said respective counties, for which the Commonwealth shall execute its bond, bearing interest at the rate of six per centum per annum, payable annually to the counties respectively entitled to the same, and in the proportion to which they are entitled, to be used exclusively in aid of common schools.

[3]Amendment proposed by the legislature of 1902 and ratified at the election of November 3, 1903.

SEC. 187. In distributing the school fund no distinction shall be made on account of race or color, and separate schools for white and colored children shall be maintained.

SEC. 188. So much of any moneys as may be received by the Commonwealth from the United States under a recent act of Congress refunding the direct tax shall become a part of the school fund, and be held as provided in section one hundred and eighty-four; but the General Assembly may authorize the use, by the Commonwealth, of the moneys so received or any part thereof, in which event a bond shall be executed to the Board of Education for the amount so used, which bond shall be held on the same terms and conditions, and subject to the provisions of section one hundred and eighty-four, concerning the bond therein referred to.

SEC. 189. No portion of any fund or tax now existing, or that may hereafter be raised or levied for educational purposes, shall be appropriated to, or used, by or in aid of, any church, sectarian or denominational school.

CORPORATIONS.

SEC. 190. No corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution.

SEC. 191. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place, and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter be void and of no effect.

SEC. 192. No corporation shall engage in business other than that expressly authorized by its charter, or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate, except such as may be proper and necessary for carrying on its legitimate business, for a longer period than five years, under penalty of escheat.

SEC. 193. No corporation shall issue stock or bonds except for an equivalent in money paid or labor done, or property actually received and applied to the purposes for which such corporation was created, and neither labor nor property shall be received in payment of stock or bonds at a greater value than the market price at the time said labor was done or property delivered, and all fictitious increase of stock or indebtedness shall be void.

SEC. 194. All corporations formed under the laws of this State, or carrying on business in this State, shall, at all times, have one or more known places of business in this State, and an authorized agent or agents there upon whom process may be executed, and the General Assembly shall enact laws to carry into effect the provisions of this section.

SEC. 195. The Commonwealth, in the exercise of the right of eminent domain, shall have and retain the same powers to take the property and franchises of incorporated companies for public use which it has and retains to take the property of individuals, and the exercise of the police powers of this Commonwealth shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe upon the equal rights of individuals.

SEC. 196. Transportation of freight and passengers by railroad, steamboat or other common carrier, shall be so regulated, by general law, as to prevent unjust discrimination. No common carrier shall be permitted to contract for relief from its common law liability.

SEC. 197. No railroad, steamboat or other common carrier, under heavy penalty to be fixed by the General Assembly, shall give a free pass or passes, or shall, at reduced rates not common to the public, sell tickets for transportation to any State, district, city, town or county officer, or member of the General Assembly, or Judge; and any State, district, city, town or county officer, or member of the General Assembly, or Judge, who shall accept or use a free pass or passes, or shall receive or use tickets or transportation at reduced rates not common to the public, shall forfeit his office. It shall be the

duty of the General Assembly to enact laws to enforce the provisions of this section.

SEC. 198. It shall be the duty of the General Assembly from time to time, as necessity may require, to enact such laws as may be necessary to prevent all trusts, pools, combinations or other organizations, from combining to depreciate below its real value any article, or to enhance the cost of any article above its real value.

SEC. 199. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and said companies shall receive and transmit each other's messages without unreasonable delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Telephone companies operating exchanges in different towns or cities, or other public stations, shall receive and transmit each other's messages without unreasonable delay or discrimination. The General Assembly shall, by general laws of uniform operation, provide reasonable regulations to give full effect to this section. Nothing herein shall be construed to interfere with the rights of cities or towns to arrange and control their streets and alleys, and to designate the places at which, and the manner in which, the wires of such companies shall be erected or laid within the limits of such city or town.

SEC. 200. If any railroad, telegraph, express, or other corporation, organized under the laws of this Commonwealth, shall consolidate by sale or otherwise, with any railroad, telegraph, express or other corporation organized under the laws of any other State, the same shall not thereby become a foreign corporation, but the courts of this Commonwealth shall retain jurisdiction over that part of the corporate property within the limits of this State in all matters which may arise, as if said consolidation had not taken place.

SEC. 201. No railroad, telegraph, telephone, bridge or common carrier company shall consolidate its capital stock, franchises or property, or pool its earnings, in whole or in part, with any other railroad, telegraph, telephone, bridge or common carrier company, owning a parallel or competing line or structure, or acquire by purchase, lease, or otherwise, any parallel or competing line or structure, or operate the same; nor shall any railroad company or other common carrier combine or make any contract with the owners of any vessel that leaves or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 202. No corporation organized outside the limits of this State shall be allowed to transact business within the State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this Commonwealth.

SEC. 203. No corporation shall lease or alienate any franchise so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 204. Any President, Director, Manager, Cashier or other officer of any banking institution or association for the deposit or loan of money, or any individual banker, who shall receive or assent to the receiving of deposits after he shall have knowledge of the fact that such banking institution or association or individual banker is insolvent, shall be individually responsible for such deposits so received, and shall be guilty of felony and subject to such punishment as shall be prescribed by law.

SEC. 205. The General Assembly shall, by general laws, provide for the revocation or forfeiture of the charters of all corporations guilty of abuse or misuse of their corporate powers, privileges or franchises, or whenever said corporations become detrimental to the interest and welfare of the Commonwealth or its citizens.

SEC. 206. All elevators or storehouses, where grain or other property is

stored for a compensation, whether the property stored be kept separate or not, are declared to be public warehouses, subject to legislative control, and the General Assembly shall enact laws for the inspection of grain, tobacco and other produce, and for the protection of producers, shippers and receivers of grain, tobacco and other produce.

SEC. 207. In all elections for directors or managers of any corporation, each shareholder shall have the right to cast as many votes in the aggregate as he shall be entitled to vote in said company under its charter, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy, for one candidate, or distribute such votes among two or more candidates, and such directors or managers shall not be elected in any other manner.

SEC. 208. The word corporation as used in this Constitution shall embrace joint stock companies and associations.

RAILROADS AND COMMERCE.

SEC. 209. A commission is hereby established, to be known as "The Railroad Commission," which shall be composed of three Commissioners. During the session of the General Assembly which convenes in December, eighteen hundred and ninety-one, and before the first day of June, eighteen hundred and ninety-two, the Governor shall appoint, by and with the advice and consent of the Senate, said three Commissioners, one from each Superior Court District as now established, and said appointees shall take their office at the expiration of the terms of the present incumbents. The Commissioners so appointed shall continue in office during the term of the present Governor, and until their successors are elected and qualified. At the regular election in eighteen hundred and ninety-five and every four years thereafter the Commissioners shall be elected, one in each Superior Court District, by the qualified voters thereof, at the same time and for the same term as the Governor. No person shall be eligible to said office unless he be, at the time of his election, at least thirty years of age, a citizen of Kentucky two years, and a resident of the district from which he is chosen one year, next preceding his election. Any vacancy in this office shall be filled as provided in section one hundred and fifty-two of this Constitution. The General Assembly may from time to time change said districts so as to equalize the population thereof; and may, if deemed expedient, require that the Commissioners be all elected by the qualified voters of the State at large. And if so required, one Commissioner shall be from each District. No person in the service of any railroad or common carrier company or corporation, or of any firm or association conducting business as a common carrier, or in anywise pecuniarily interested in such company, corporation, firm or association, or in the railroad business, or as a common carrier, shall hold such office. The powers and duties of the Railroad Commissioners shall be regulated by law; and until otherwise provided by law, the Commission so created shall have the same powers and jurisdiction, perform the same duties, be subject to the same regulations, and receive the same compensation, as now conferred, prescribed and allowed by law to the existing Railroad Commissioners. The General Assembly may, for cause, address any of said Commissioners out of office by similar proceedings as in the case of Judges of the Court of Appeals; and the General Assembly shall enact laws to prevent the nonfeasance and misfeasance in office of said Commissioners, and to impose proper penalties therefor.

SEC. 210. No corporation engaged in the business of common carrier shall, directly or indirectly, own, manage, operate, or engage in any other business than that of a common carrier, or hold, own, lease or acquire, directly or indirectly, mines, factories or timber, except such as shall be necessary to carry on its business; and the General Assembly shall enact laws to give effect to the provisions of this section.

SEC. 211. No railroad corporation organized under the laws of any other State or of the United States, and doing business, or proposing to do business

in this State, shall be entitled to the benefit of the right of eminent domain or have power to acquire the right of way or real estate for depot or other uses, until it shall have become a body corporate pursuant to and in accordance with the laws of this Commonwealth.

SEC. 212. The rolling stock and other movable property belonging to any railroad corporation or company in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals. The earnings of any railroad company or corporation, and choses in action, money and personal property of all kinds belonging to it, in the hands, or under the control, of any officer, agent or employee of such corporation or company, shall be subject to process of attachment to the same extent and in the same manner, as like property of individuals when in the hands or under the control of other persons. Any such earnings, choses in action, money or other personal property may be subjected to the payment of any judgment against such corporation or company, in the same manner and to the same extent as such property of individuals in the hands of third persons.

SEC. 213. All railroad, transfer, belt lines and railway bridge companies, organized under the laws of Kentucky, or operating, maintaining or controlling any railroad, transfer, belt lines or bridges, or doing a railway business in this State, shall receive, transfer, deliver and switch empty or loaded cars, and shall move, transport, receive, load or unload all the freight in car loads or less quantities, coming to or going from any railroad, transfer, belt line, bridge or siding thereon, with equal promptness and dispatch, and without any discrimination as to charges, preference, drawback or rebate in favor of any person, corporation, consignee or consignor, in any matter as to payment, transportation, handling or delivery; and shall so receive, deliver, transfer and transport all freight as above set forth, from and to any point where there is a physical connection between the tracks of said companies. But this section shall not be construed as requiring any such common carrier to allow the use of its tracks for the trains of another engaged in like business.

SEC. 214. No railway, transfer, belt line or railway bridge company shall make any exclusive or preferential contract or arrangement with any individual, association or corporation, for the receipt, transfer, delivery, transportation, handling, care or custody of any freight, or for the conduct of any business as a common carrier.

SEC. 215. All railway, transfer, belt lines or railway bridge companies shall receive, load, unload, transport, haul, deliver and handle freight of the same class for all persons, associations or corporations from and to the same points and upon the same conditions, in the same manner and for the same charges, and for the same method of payment.

SEC. 216. All railway, transfer, belt lines and railway bridge companies shall allow the tracks of each other to unite intersect and cross at any point where such union, intersection and crossing is reasonable or feasible.

SEC. 217. Any person, association or corporation, willfully or knowingly violating any of the provisions of sections two hundred and thirteen, two hundred and fourteen, two hundred and fifteen, or two hundred and sixteen, shall, upon conviction by a court of competent jurisdiction, for the first offense be fined two thousand dollars; for the second offense, five thousand dollars, and for the third offense, shall thereupon, ipso facto, forfeit its franchises, privileges or charter rights; and if such delinquent be a foreign corporation, it shall, ipso facto, forfeit its right to do business in this State; and the Attorney-General of the Commonwealth shall forthwith, upon notice of the violation of any of said provisions, institute proceedings to enforce the provisions of the aforesaid sections.

SEC. 218. It shall be unlawful for any person or corporation, owning or operating a railroad in this State, or any common carrier, to charge or receive any greater compensation in the aggregate for the transportation of passengers, or of property of like kind, under substantially similar circumstances and conditions, for a shorter than for a longer distance over the

same line, in the same direction, the shorter being included within the longer distance; but this shall not be construed as authorizing any common carrier, or person or corporation, owning or operating a railroad in this State, to receive as great compensation for a shorter as for a longer distance: Provided, That upon application to the Railroad Commission, such common carrier, or person, or corporation owning or operating a railroad in this State, may in special cases, after investigation by the Commission, be authorized to charge less for longer than for shorter distances for the transportation of passengers, or property; and the Commission may, from time to time, prescribe the extent to which such common carrier, or person or corporation, owning or operating a railroad in this State, may be relieved from the operations of this section.

THE MILITIA.

SEC. 219. The militia of the Commonwealth of Kentucky shall consist of all able-bodied male residents of the State between the ages of eighteen and forty-five years, except such persons as may be exempted by the laws of the State or of the United States.

SEC. 220. The General Assembly shall provide for maintaining an organized militia; and may exempt from military service persons having conscientious scruples against bearing arms; but such persons shall pay an equivalent for such exemption.

SEC. 221. The organization, equipment and discipline of the militia shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 222. All militia officers whose appointment is not herein otherwise provided for, shall be elected by persons subject to military duty within their respective companies, battalions, regiments or other commands, under such rules and regulations and for such terms, not exceeding four years, as the General Assembly may, from time to time, direct and establish. The Governor shall appoint an Adjutant-General and his other staff officers; the generals and commandants of regiments and battalions shall respectively appoint their staff officers, and the commandants of companies shall, subject to the approval of their regimental or battalion commanders, appoint their non-commissioned officers. The Governor shall have power to fill vacancies that may occur in elective offices by granting commissions which shall expire when such vacancies have been filled according to the provisions of this Constitution.

SEC. 223. The General Assembly shall provide for the safe-keeping of the public arms, military records, relics and banners of the Commonwealth of Kentucky.

GENERAL PROVISIONS.

SEC. 224. The General Assembly shall provide by a general law what officers shall execute bond for the faithful discharge of their duties, and fix the liability therein.

SEC. 225. No armed person or bodies of men shall be brought into this State for the preservation of the peace or the suppression of domestic violence, except upon the application of the General Assembly or of the Governor when the General Assembly may not be in session.

SEC. 226. Lotteries and gift enterprises are forbidden, and no privileges shall be granted for such purposes, and none shall be exercised, and no schemes for similar purposes shall be allowed. The General Assembly shall enforce this section by proper penalties. All lottery privileges or charters heretofore granted are revoked.

SEC. 227. Judges of the County Court, Justices of the Peace, Sheriffs, Coroners, Surveyors, Jailers, Assessors, County Attorneys and Constables shall be subject to indictment or prosecution for misfeasance or malfeasance in office, or willful neglect in discharge of official duties, in such mode as may be prescribed by law; and upon conviction, his office shall become vacant, but such officer shall have the right of appeal to the Court of Appeals.

SEC. 228. Members of the General Assembly and all officers, before they enter upon the execution of the duties of their respective offices, and all

members of the bar, before they enter upon the practice of their profession, shall take the following oath or affirmation: I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of this Commonwealth, and be faithful and true to the Commonwealth of Kentucky so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of ——— according to law; and I do further solemnly swear (or affirm) that since the adoption of the present Constitution, I, being a citizen of this State, have not fought a duel with deadly weapons within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided or assisted any person thus offending, so help me God.

SEC. 229. Treason against the Commonwealth shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 230. No money shall be drawn from the State Treasury, except in pursuance of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 231. The General Assembly may by law, direct in what manner and in what courts suits may be brought against the Commonwealth.

SEC. 232. The manner of administering an oath or affirmation shall be such as is most consistent with the conscience of the deponent, and shall be esteemed by the General Assembly the most solemn appeal to God.

SEC. 233. All laws which, on the first day of June, one thousand seven hundred and ninety-two, were in force in the State of Virginia, and which are of a general nature and not local to that State, and not repugnant to this Constitution, nor to the laws which have been enacted by the General Assembly of this Commonwealth, shall be in force within this State until they shall be altered or repealed by the General Assembly.

SEC. 234. All civil officers for the State at large shall reside within the State, and all district, county, city or town officers shall reside within their respective districts, counties, cities or towns, and shall keep their offices at such places therein as may be required by law.

SEC. 235. The salaries of public officers shall not be changed during the terms for which they were elected; but it shall be the duty of the General Assembly to regulate, by a general law, in what cases and what deductions shall be made for neglect of official duties. This section shall apply to members of the General Assembly also.

SEC. 236. The General Assembly shall, by law, prescribe the time when the several officers authorized or directed by this Constitution to be elected or appointed, shall enter upon the duties of their respective offices, except where the time is fixed by this Constitution.

SEC. 237. No member of Congress, or person holding or exercising an office of trust or profit under the United States, or any of them, or under any foreign power, shall be eligible to hold or exercise any office of trust or profit under this Constitution, or the laws made in pursuance thereof.

SEC. 238. The General Assembly shall direct by law how persons who now are, or may hereafter become, sureties for public officers, may be relieved of or discharged from suretyship.

SEC. 239. Any person who shall, after the adoption of this Constitution, either directly or indirectly, give, accept or knowingly carry a challenge to any person or persons to fight in single combat, with a citizen of this State, with a deadly weapon, either in or out of the State, shall be deprived of the right to hold any office of honor or profit in this Commonwealth; and said acts or any of them, be committed within this State, the person or persons so committing them shall be further punished in such manner as the General Assembly may prescribe by law.

SEC. 240. The Governor shall have power, after five years from the time

of the offense, to pardon any person who shall have participated in a duel as principal, second or otherwise, and to restore him to all the rights, privileges and immunities to which he was entitled before such participation. Upon presentation of such pardon the oath prescribed in section two hundred and twenty-eight shall be varied to suit the case.

SEC. 241. Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporations and persons so causing the same. Until otherwise provided by law, the action to recover such damages shall in all cases be prosecuted by the personal representative of the deceased person. The General Assembly may provide how the recovery shall go and to whom belong; and until such provision is made the same shall form part of the personal estate of the deceased person.

SEC. 242. Municipal and other corporations, and individuals invested with the privilege of taking private property for public use, shall make just compensation for property taken, injured or destroyed by them; which compensation shall be paid before such taking, or paid or secured, at the election of such corporation or individual, before such injury or destruction. The General Assembly shall not deprive any person of an appeal from any preliminary assessment of damages against such corporation or individual made by Commissioners or otherwise; and upon appeal from such preliminary assessment, the amount of such damages shall, in all cases, be determined by a jury, according to the course of the common law.

SEC. 243. The General Assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law.

SEC. 244. All wage-earners in this State employed in factories, mines, workshops, or by corporations, shall be paid for their labor in lawful money. The General Assembly shall prescribe adequate penalties for violations of this section.

SEC. 245. Upon the promulgation of this Constitution, the Governor shall appoint three persons, learned in the law, who shall be Commissioners to revise the statute laws of this Commonwealth, and prepare amendments thereto, to the end that the statute laws shall conform to and effectuate this Constitution. Such revision and amendments shall be laid before the next General Assembly for adoption or rejection, in whole or in part. The said Commissioners shall be allowed ten dollars each per day for their services, and also necessary stationery for the time during which they are actually employed; and upon their certificate the Auditor shall draw his warrant upon the Treasurer. They shall have the power to employ clerical assistants, at a compensation not exceeding ten dollars per day in the aggregate. If the Commissioners, or any of them, shall refuse to act, or a vacancy shall occur, the Governor shall appoint another or others in his or their place.

SEC. 246. No public officer, except the Governor, shall receive more than five thousand dollars per annum, as compensation for official services, independent of the compensation of legally authorized deputies and assistants, which shall be fixed and provided for by law. The General Assembly shall provide for the enforcement of this section by suitable penalties, one of which shall be forfeiture of office by any person violating its provisions.

SEC. 247. The printing and binding of the laws, journals, department reports, and all other public printing and binding, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the General Assembly, or officer of the Commonwealth, shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the Governor.

SEC. 248. A grand jury shall consist of twelve persons, nine of whom concurring, may find an indictment. In civil and misdemeanor cases, in courts inferior to the Circuit Courts, a jury shall consist of six persons. The

General Assembly may provide that in any or all trials of civil actions in the Circuit Courts, three-fourths or more of the jurors concurring may return a verdict, which shall have the same force and effect as if rendered by the entire panel. But where a verdict is rendered by a less number than the whole jury, it shall be signed by all the jurors who agree to it.

SEC. 249. The House of Representatives of the General Assembly shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-Keeper, one Janitor, two Cloak-room Keepers and four Pages; and the Senate shall not elect, appoint, employ or pay for, exceeding one Chief Clerk, one Assistant Clerk, one Enrolling Clerk, one Sergeant-at-Arms, one Door-Keeper, one Janitor, one Cloak-room Keeper and three Pages; and the General Assembly shall provide, by general law, for fixing the per diem or salary of all of said employees.

SEC. 250. It shall be the duty of the General Assembly to enact such laws as shall be necessary and proper to decide differences by arbitrators, the arbitrators to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 251. No action shall be maintained for possession of any lands lying within this State, where it is necessary for the claimant to rely for his recovery on any grant or patent issued by the Commonwealth of Virginia, or by the Commonwealth of Kentucky prior to the year one thousand eight hundred and twenty, against any person claiming such lands by possession to a well-defined boundary, under a title of record, unless such action shall be instituted within five years after this Constitution shall go into effect, or within five years after the occupant may take possession; but nothing herein shall be construed to affect any right, title or interest in lands acquired by virtue of adverse possession under the laws of this Commonwealth.

SEC. 252. It shall be the duty of the General Assembly to provide by law, as soon as practicable, for the establishment and maintenance of an institution or institutions for the detention, correction, instruction and reformation of all persons under the age of eighteen years, convicted of such felonies and such misdemeanors as may be designated by law. Said institution shall be known as the "House of Reform."

SEC. 253. That the Commonwealth of Kentucky may use and employ outside of the walls of the penitentiaries in such manner and means as may be provided by law, persons convicted of felony and sentenced to confinement in the penitentiary for the purpose of constructing, or reconstructing and maintaining public roads and public bridges or for the purpose of making and preparing material for public roads and bridges and that the Commonwealth of Kentucky may, by the use and employment of convict labor outside the walls of the penitentiary by other ways or means, as may be provided by law, aid the counties for road and bridge purposes, work on the State farm or farms.[4]

SEC. 254. The Commonwealth shall maintain control of the discipline, and provide for all supplies, and for the sanitary condition of the convicts, and the labor only of convicts may be leased.

SEC. 255. The seat of government shall continue in the city of Frankfort, unless removed by a vote of two-thirds of each House of the first General Assembly which convenes after the adoption of this Constitution.

MODE OF REVISION.

SEC. 256. Amendments to this Constitution may be proposed in either House of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each House, such proposed amendment or amendments, with the yeas and nays of the members of each House taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the State for their ratification or rejection

[4]Amendment proposed by the legislature of 1914 and ratified at the election of November 2, 1915.

at the next general election for members of the House of Representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the Secretary of State in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the State at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than two amendments shall be voted upon at any one time. Nor shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly, proposing an amendment or amendments to this Constitution.

SEC. 257. Before an amendment shall be submitted to a vote, the Secretary of State shall cause such proposed amendment, and the time that the same is to be voted upon, to be published at least ninety days before the vote is to be taken thereon in such manner as may be prescribed by law.

SEC. 258. When a majority of all the members elected to each House of the General Assembly shall concur, by a yea and nay vote, to be entered upon their respective journals, in enacting a law to take the sense of the people of the State as to the necessity and expediency of calling a convention for the purpose of revising or amending this Constitution, and such amendments as may have been made to the same, such law shall be spread upon their respective journals. If the next General Assembly shall, in like manner, concur in such law, it shall provide for having a poll opened in each voting precinct in this State by the officers provided by law for holding general elections at the next ensuing regular election to be held for State officers or members of the House of Representatives, which does not occur within ninety days from the final passage of such law, at which time and places the votes of the qualified voters shall be taken for and against calling the Convention, in the same manner provided by law for taking votes in other State elections. The vote for and against said proposition shall be certified to the Secretary of State by the same officers and in the same manner as in State elections. If it shall appear that a majority voting on the proposition was for calling a convention, and if the total number of votes cast for the calling of the convention is equal to one-fourth of the number of qualified voters who voted at the last preceding general election in this State, the Secretary of State shall certify the same to the General Assembly at its next regular session, at which session a law shall be enacted calling a convention to readopt, revise or amend this Constitution, and such amendments as may have been made thereto.

SEC. 259. The convention shall consist of as many delegates as there are members of the House of Representatives; and the delegates shall have the same qualifications and be elected from the same districts as said Representatives.

SEC. 260. Delegates to such convention shall be elected at the next general State election after the passage of the act calling the convention, which does not occur within less than ninety days; and they shall meet within ninety days after their election at the capital of the State, and continue in session until their work is completed.

SEC. 261. The General Assembly, in the act calling the convention, shall provide for comparing the polls and giving certificates of election to the delegates elected, and provide for their compensation.

SEC. 262. The convention, when assembled, shall be the judge of the election and qualification of its members, and shall determine contested elections. But the General Assembly shall, in the act calling the convention, provide for taking testimony in such cases, and for issuing a writ of election in case of a tie.

SEC. 263. Before a vote is taken upon the question of calling a convention, the Secretary of State shall cause notice of the election to be published in such manner as may be provided by the act directing said vote to be taken.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in this Constitution, and in order to carry the same into complete operation, it is hereby declared and ordained:

First: That all laws of this Commonwealth in force at the time of the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions as require legislation to enforce them shall remain in force until such legislation is had, but not longer than six years after the adoption of this Constitution, unless sooner amended or repealed by the General Assembly.

Second: That all recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution, to the State, or to any city, town, county or subdivision thereof, and all fines, taxes, penalties and forfeitures due or owing to this State, or to any city, town, county or subdivision thereof; and all writs, prosecutions, actions and causes of action, except as otherwise herein provided, shall continue and remain unaffected by the adoption of this Constitution. And all indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be prosecuted as if no change had taken place, except as otherwise provided in this Constitution.

Third: All circuit, chancery, criminal, law and equity, law, and Common Pleas Courts, as now constituted and organized by law, shall continue with their respective jurisdictions until the Judges of the Circuit Courts provided for in this Constitution shall have been elected and qualified, and shall then cease and determine; and the causes, actions and proceedings then pending in said first named courts, which are discontinued by this Constitution, shall be transferred to, and tried by, the Circuit Courts in the counties, respectively, in which said causes, actions and proceedings are pending.

Fourth: The Treasurer, Attorney-General, Auditor of Public Accounts, Superintendent of Public Instruction, and Register of the Land Office, elected in eighteen hundred and ninety-one, shall hold their offices until the first Monday in January, eighteen hundred and ninety-six, and until the election and qualification of their successors. The Governor and Lieutenant Governor elected in eighteen hundred and ninety-one shall hold their offices until the sixth Tuesday after the first Monday in November, eighteen hundred and ninety-five, and until their successors are elected and qualified. The Governor and Treasurer elected in eighteen hundred and ninety-one shall be ineligible to the succeeding term. The Governor elected in eighteen hundred and ninety-one may appoint a Secretary of State and a Commissioner of Agriculture, Labor and Statistics, as now provided, who shall hold their offices until their successors are elected and qualified, unless sooner removed by the Governor. The official bond of the present Treasurer shall be renewed at the expiration of two years from the time of his qualification.

Fifth: All officers who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors, as provided in this Constitution, shall hold their respective offices until their suc-

cessors are elected or appointed and qualified as provided in this Constitution.

Sixth: The quarterly courts created by this Constitution shall be the successors of the present statutory Quarterly Courts in the several counties of this State; and all suits, proceedings, prosecutions, records and judgments now pending or being in said last named courts, shall, after the adoption of this Constitution, be transferred to the Quarterly Courts created by this Constitution, and shall proceed as though the same had been therein instituted.

ORDINANCE.

We, the representatives of the people of Kentucky, in convention assembled, in their name and by their authority and in virtue of the power vested in us as Delegates from the counties and districts respectively affixed to our names, do ordain and proclaim the foregoing to be the Constitution of the Commonwealth of Kentucky from and after this date.

Done at Frankfort this twenty-eighth day of September, in the year of our Lord one thousand eight hundred and ninety-one, and in the one hundredth year of the Commonwealth.

CONSTITUTION OF LOUISIANA—1913*

PREAMBLE.

We, the people of the State of Louisiana, grateful to Almighty God for he civil, political and religious liberties we enjoy and desiring to secure the ontinuance of these blessings, do ordain and establish this Constitution.

BILL OF RIGHTS.

ARTICLE 1. All government, of right, originates with the people, is founded n their will alone and is instituted solely for the good of the whole. Its nly legitimate end is to secure justice to all, preserve peace and promote he interest and happiness of the people.

ART. 2. No person shall be deprived of life, liberty or property, except y due process of law.

ART. 3. No law shall ever be passed to curtail or restrain the liberty f speech or of the press; any person may speak, write and publish his senti- ents on all subjects, being responsible for the abuse of that liberty.

ART. 4. Every person has the natural right to worship God, according o the dictates of his conscience, and no law shall be passed respecting an stablishment of religion.

ART. 5. The people have the right peaceably to assemble and apply to hose vested with the powers of government for a redress of grievances by etition or remonstrance.

ART. 6. All courts shall be open, and every person for injury done him n his rights, lands, goods, person or reputation shall have adequate remedy y due process of law and justice administered without denial, partiality or nreasonable delay.

ART. 7. The right of the people to be secured in their persons, houses, apers and effects against unreasonable searches and seizures shall not be iolated and no warrant shall issue except upon probable cause, supported y oath or affirmation, and particularly describing the place to be searched nd the persons or things to be seized.

ART. 8. A well regulated militia being necessary to the security of a ree State, the right of the people to keep and bear arms shall not be abridged. his shall not prevent the passage of laws to punish those who carry weapons oncealed.

ART. 9. In all criminal prosecutions the accused shall have the right to speedy public trial by an impartial jury; provided, that cases in which the enalty is not necessarily imprisonment at hard labor, or death, shall be ried by the court without a jury or by a jury less than twelve in number, s provided elsewhere in this Constitution; provided further, that all trials hall take place in the parish in which the offense was committed, unless he venue be changed. The accused in every instance shall have the right o be confronted with the witnesses against him; he shall have the right to efend himself, to have the assistance of counsel, and to have compulsory rocess for obtaining witnesses in his favor. Prosecutions shall be by indict ent or information; but the General Assembly may provide for the prose- ution of misdemeanors on affidavits; provided, that no person shall be held o answer for a capital crime unless on a presentment or indictment by a

*The constitution of Louisiana was drafted by a convention which assembled at aton Rouge on November 10, 1913, and adjourned on November 22, 1913. The con- itution was not submitted to the electors but was promulgated by the convention self and declared to be in force from and after November 22, 1913. The constitution s based largely on the constitution of 1898 and although manifestly complete in self contains a provision in the Schedule that "the omission from this Constitution f any Article of the Constitution of 1898 and the amendments thereto or of any ther existing Constitutional provision shall not amount to the repeal thereof, unless he same be inconsistent with this Constitution."

grand jury, except in cases arising in the militia when in actual service in time of war or public danger; nor shall any person be twice put in jeopardy of life or liberty for the same offense, except on his own application for a new trial, or where there is a mistrial, or a motion in arrest of judgment is sustained.

ART. 10. In all criminal prosecutions, the accused shall be informed of the nature and cause of the accusation against him; and when tried by jury shall have the right to challenge jurors peremptorily, the number of challenges to be fixed by law.

ART. 11. No person shall be compelled to give evidence against himself in a criminal case, or in any proceeding that may subject him to criminal prosecution, except as otherwise provided in this Constitution.

ART. 12. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. All persons shall be bailable by sufficient sureties, unless for capital offenses where the proof is evident or presumption great, or unless after conviction for any crime or offense punishable with death or imprisonment at hard labor.

ART. 13. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it.

ART. 14. The military shall be in subordination to the civil power.

ART. 15. This enumeration of rights shall not be construed to deny or impair other rights of the people not herein expressed.

DISTRIBUTION OF POWERS.

ART. 16. The powers of the government of the State of Louisiana shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another.

ART. 17. No one of these departments, nor any person or collection of persons holding office in one of them, shall exercise power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

APPORTIONMENT.

ART. 18. Representation in the House of Representatives shall be equal and uniform, and shall be based upon population. Each parish and each ward of the City of New Orleans shall have at least one representative. At its first regular session after the adoption of this Constitution, and at its first regular session after each United States census thereafter, the General Assembly shall and it is hereby directed to reapportion the representation among the several parishes and wards of the City of New Orleans on the basis of the total population shown by such census. A representative number shall be fixed and each parish and ward of the City of New Orleans shall have as many representatives as such representative number is contained in the total number of inhabitants of such parish or ward of the City of New Orleans, as shown by the last preceding United States census, and one additional representative for every fraction exceeding one-half the representative number. The number of representatives shall not be more than one hundred and twenty (120), provided that when a new parish or parishes is or are created as authorized by this Constitution, and the maximum number of representatives has been previously apportioned to other parishes, then such new parish or parishes shall be assigned a representative each in addition to the maximum one hundred and twenty fixed herein, and to that extent the maximum shall be increased, until the next apportionment of representatives is made by the General Assembly at which time the maximum of one hundred and twenty shall be restored. That if there is more than one representative in a parish from which the larger portion of the territory is taken for the purpose of creating a new parish, one of such representatives may be apportioned to the new parish in the same act which creates the parish.

ART. 19. The General Assembly, in every year in which it shall apportion representation in the House of Representatives, shall divide the State into Senatorial Districts. No parish shall be divided in the formation of a Senatorial District, the Parish of Orleans excepted. Whenever a new parish is created, it shall be attached to the Senatorial District from which most of its territory is taken, or to another contiguous district, at the discretion of the General Assembly, but shall not be attached to more than one district. The number of Senators shall not be more than forty-one nor less than thirty-six, and they shall be apportioned among the Senatorial Districts according to the total population contained in the several districts.

ART. 20. Until a reappointment shall have been made in accordance with Articles 18 and 19, the present apportionment of Senators and Representatives shall remain in force.

GENERAL ASSEMBLY.

ART. 21. The legislative power of the State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives.

ART. 22. The style of the laws of this State shall be: "Be it enacted by the General Assembly of the State of Louisiana."

ART. 23. The General Assembly shall meet at the seat of government on the second Monday in May, 1914, at twelve o'clock noon and bi-ennially thereafter, and the sessions thereof shall be limited to sixty days. Should a vacancy occur in either House, the Governor shall order an election to fill such vacancy for the remainder of the term.

ART. 24. Every elector under this Constitution shall be eligible to a seat in the House of Representatives, and every elector who has reached the age of twenty-five years shall be eligible to the Senate; provided, that no person shall be eligible to the General Assembly unless at the time of his election he has been a citizen of the State for five years, and an actual resident of the district or parish or ward of the city of New Orleans from which he may be elected for two years immediately preceding his election. The seat of any member who may change his residence from the district or parish or ward of the City of New Orleans which he represents shall thereby be vacated, any declaration of a retention of domicile to the contrary notwithstanding; and members of the General Assembly shall be elected for a term of four years.

ART. 25. Each House shall be the judge of the qualifications, elections and returns of its own members, choose its own officers, except President of the Senate, determine the rules of its proceedings, and may punish its members for disorderly conduct and contempt, and, with the concurrence of two-thirds of all its members elected, expel a member.

ART. 26. Either House, during the session, may punish by imprisonment any person not a member who shall have been guilty of disrespect, or disorderly or contemptuous behavior; but such imprisonment shall not exceed ten days for each offense.

ART. 27. No Senator or Representative shall, during the term for which he was elected, nor for one year thereafter, be appointed or elected to any civil office of profit under this State which may have been created, or the emoluments of which may have been increased by the General Assembly during the time such Senator or Representative was a member thereof.

ART. 28. The members of the General Assembly shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

ART. 29. The members of the General Assembly shall receive a compensation not to exceed five dollars per day during their attendance, and five cents per mile going to and returning from the seat of government.

ART. 30. Each House shall keep a Journal of its proceedings, and cause the same to be published immediately after the close of the session; when practicable, the minutes of each day's session shall be printed and placed in the hands of members on the day following. The original Journal shall be

preserved, after publication, in the office of the Secretary of State, but there shall be required no other record thereof.

ART. 31. Every law enacted by the General Assembly shall embrace but one object, and that shall be expressed in its title.

ART. 32. No law shall be revived, or amended by reference to its title, but in such cases the act revived, or section as amended, shall be re-enacted and published at length.

ART. 33. The General Assembly shall never adopt any system or code of laws by general reference to such system or code of laws; but in all cases shall recite at length the several provisions of the laws it may enact.

ART. 34. Not less than a majority of the members of each House of the General Assembly shall form a quorum to transact business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of absent members.

ART. 35. Neither House, during the sitting of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

ART. 36. The yeas and nays on any question in either House shall, at the desire of one-fifth of the members elected, be entered on the Journal.

ART. 37. All bills for raising revenue or appropriating money shall originate in the House of Representatives, but the Senate may propose or concur in amendments, as in other bills.

ART. 38. No bill, ordinance or resolution, intended to have the effect of a law, which shall have been rejected by either House, shall be again proposed in the same House during the same session, under the same or any other title, without the consent of a majority of the House by which the same was rejected.

ART. 39. Every bill shall be read on three different days in each House and no bill shall be considered for final passage unless it has been read once in full, and the same has been reported on by a committee; nor shall any bill become a law unless, on its final passage, the vote be taken by yeas and nays, the names of the members voting for or against the same be entered on the Journal, and a majority of the members elected to each House be recorded thereon as voting in its favor; provided, that bills revising the statutes or codes of this State, or adopting a criminal code as a whole, shall be read and promulgated in such manner as may be prescribed by the General Assembly.

ART. 40. No amendments to bills by one House shall be concurred in by the other, nor shall reports of committees of conference be adopted in either House except by a majority of the members elected thereto, the vote to be taken by yeas and nays, and the names of those voting for or against recorded upon the Journal.

ART. 41. Whenever a bill that has been passed by both Houses has been enrolled and placed in possession of the House in which it originated, the title shall be read, and, at the request of any five members, the bill shall be read in full, when the Speaker of the House of Representatives or the President of the Senate, as the case may be, shall at once sign it in open house, and the fact of signing shall be noted on the Journal; thereupon the Clerk or Secretary shall immediately convey the bill to the other House, whose presiding officer shall cause a suspension of all other business to read and sign the bill in open session and without delay. As soon as bills are signed by the Speaker of the House and President of the Senate, they shall be taken at once, and on the same day, to the Governor by the Clerk of the House of Representatives or Secretary of the Senate.

ART. 42. No law passed by the General Assembly, except the general appropriation act, or act appropriating money for the expenses of the General Assembly, shall take effect until promulgated. Laws shall be considered promulgated ten days after publication in the State Journal. The State Journal shall be published at the capital.

ART. 43. The clerical officers of the two Houses shall be a Secretary of the Senate and Clerk of the House of Representatives, with such assistants

as may be necessary; but the expenses for said officials, including the Sergeant-at-Arms, of each House together with all clerks of committees and all other employees of whatever kind, shall not exceed one hundred dollars daily for the Senate, nor one hundred and twenty dollars daily for the House, and the Chairman of the Committee on Contingent Expenses of each House shall not issue warrants for any compensation in excess of said amounts. No donation of any unexpended balances shall be made as extra compensation or for any other purpose.

ART. 44. All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distribution of the laws, journals and department reports, and all other printing and binding, and the repairing and furnishing of the halls and rooms used for the meetings of the General Assembly and its committees, shall be done under contract, to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law.

No member or officer of any of the departments of the government shall be in any way interested in the contracts; and all such contracts shall be subject to the approval of the Governor, the President of the Senate, the Speaker of the House of Representatives, or of any two of them.

LIMITATION OF LEGISLATIVE POWERS.

ART. 45. No money shall be drawn from the treasury except in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years. A regular statement and account of receipts and expenditures of all public moneys shall be published every three months, in such manner as shall be prescribed by law.

ART. 46. The General Assembly shall have no power to contract, or to authorize the contracting of any debt or liability, on behalf of the State; or to issue bonds or other evidence of indebtedness thereof, except for the purpose of repelling invasion, or for the suppression of insurrection.

ART. 47. The General Assembly shall have no power to grant or authorize any parish or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant, or contractor, nor pay, nor authorize the payment of any claim against the State or any parish or municipality thereof, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

ART. 48. The General Assembly shall not pass any local or special law on the following specified subjects:

For the opening and conducting of elections, or fixing or changing the place of voting.

Changing the names of persons.

Changing the venue in civil or criminal cases.

Authorizing the laying out, opening, closing, altering or maintaining roads, highways, streets or alleys, or relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other State.

Authorizing the adoption of legitimation of children or the emancipation of minors.

Granting divorces.

Changing the law of descent or succession.

Affecting the estates of minors or person under disabilities.

Remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the treasury.

Authorizing the construction of street passenger railroads in any incorporated town or city.

Regulating labor, trade, manufacturing or agriculture.

Creating corporations, or amending, renewing, extending, or explaining the charters thereof; provided, this shall not apply to municipal corporations having a population of not less than twenty-five hundred inhabitants, or to

the organization of levee districts and parishes, river improvement districts, harbor improvement districts and navigation districts.

Granting to any corporation, association, or individual any special or exclusive right, privilege or immunity.

Extending the time for assessment of or collection of taxes, or for the relief of any assessor or collector of taxes from the performance of his official duties, or of his sureties for liability; nor shall any such law or ordinance be passed by any political corporation of the State.

Regulating the practice of jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Exempting property from taxation.

Fixing the rate of interest.

Concerning any criminal or civil actions.

Giving effect to informal or invalid wills or deeds, or to any illegal disposition of property.

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes.

Legalizing the unauthorized or invalid acts of any officer, servant, or agent of the State, or of any parish or municipality thereof.[1]

ART. 49. The General Assembly shall not indirectly enact special or local laws by the partial repeal of a general law; but laws repealing local or special laws may be passed.

ART. 50. No local or special law shall be passed on any subject not enumerated in Article 48 of this Constitution, unless notice of the intention

[1]Amendment proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original section is as follows:

Art. 48. The General Assembly shall not pass any local or special law on the following specified subjects:

For the opening and conducting of elections, or fixing or changing the place of voting.

Changing the names of persons.

Changing the venue in civil or criminal cases.

Authorizing the laying out, opening, closing, altering or maintaining roads, highways, streets or alleys, or relating to ferries and bridges, or incorporating bridge or ferry companies, except for the erection of bridges crossing streams which form boundaries between this and any other State.

Authorizing the adoption or legitimation of children or the emancipation of minors.

Granting divorces.

Changing the law of descent or succession.

Affecting the estates of minors or persons under disabilities.

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury.

Authorizing the constructing of street passenger railroads in any incorporated town or city.

Regulating labor, trade, manufacturing or agriculture.

Creating corporations, or amending, renewing, extending or explaining the charters thereof; provided, this shall not apply to municipal corporations having a population of not less than twenty-five hundred inhabitants, or to the organization of levee districts and parishes.

Granting to any corporation, association, or individual any special or exclusive right, privilege or immunity.

Extending the time for the assessment or collection of taxes, or for the relief of any assessor or collector of taxes from the performance of his official duties, or of his sureties from liability; nor shall any such law or ordinance be passed by any political corporation of this State.

Regulating the practice or jurisdiction of any court, or changing the rules of evidence in any judicial proceeding or inquiry before courts, or providing or changing methods for the collection of debts or the enforcement of judgments, or prescribing the effects of judicial sales.

Exempting property from taxation.

Fixing the rate of interest.

Concerning any civil or criminal actions.

Giving effect to informal or invalid wills or deeds, or to any illegal disposition of property.

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes.

Legalizing the unauthorized or invalid acts of any officer, servant, or agent of the State, or of any parish or municipality thereof.

to apply therefor shall have been published, without cost to the State, in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the same manner provided by law for the advertisement of judicial sales. The evidence of such notice having been published, shall be exhibited in the General Assembly before such acts shall be passed, and every such act shall contain a recital that such notice has been given.

ART. 51. No law shall be passed fixing the price of manual labor.

ART. 52. Any member of the General Assembly who has a personal or private interest in any measure or bill proposed, or pending before the General Assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

ART. 53. No money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such, and no preference shall ever be given to, nor any discrimination made against, any church, sect or creed of religion, or any form of religious faith or worship; nor shall any appropriation be made for private, charitable or benevolent purposes to any person or community; provided, this shall not apply to the Louisiana Hospital for Insane of the State of Louisiana, at Pineville, the East Louisiana Hospital for the Insane, at Jackson, and Louisiana State School for the Deaf, and Louisiana State School for the Blind, the Louisiana Training Institute, and the charity hospitals and public charitable institutions conducted under State authority.

ART. 54. The General Assembly shall have no power to increase the expenses of any office by appointing assistant officials.

ART. 55. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the government, pensions, the public debt and interest thereon, public schools, public roads, public charities and all State institutions; and such bill shall be so itemized as to show for what account each and every appropriation shall be made. All other appropriations shall be made by separate bills, each embracing but one object.

ART. 56. Each appropriation shall be for a specific purpose, and no appropriation shall be made under the head or title of contingent; nor shall any officer or department of government receive any amount from the treasury for contingencies or for a contingent fund.

ART. 57. No appropriation of money shall be made by the General Assembly in the last five days of the session thereof. All appropriations, to be valid, shall be passed and receive the signatures of the President of the Senate and the Speaker of the House of Representatives five full days before the adjournment *sine die* of the General Assembly.

ART. 58. The funds, credit, property or things of value of the State, or of any political corporation thereof, shall not be loaned, pledged or granted to or for any person or persons, association or corporation, public or private; nor shall the State, or any political corporation, purchase or subscribe to the capital or stock of any corporation or association whatever, or for any private enterprise. Nor shall the State, nor any political corporation thereof, assume the liabilities of any political, municipal, parochial, private or other corporation or association whatsoever; nor shall the State undertake to carry on the business of any such corporation or association, or become a part owner therein; provided, the State, through the General Assembly, shall have power to grant the right of way through its public lands to any railroad or canal; and provided, Police Juries and municipal corporations may, in providing for destitute persons, utilize any charitable institutions within their corporate limits for the care, maintenance and asylum of such persons; and all appropriations made to such institutions for the purpose aforesaid shall be accounted for by them in the manner required of officials entrusted with public funds.

ART. 59. The General Assembly shall have no power to release or extin-

guish, or to authorize the releasing or extinguishment, in whole or in part, of the indebtedness, liability or obligation of any corporation or individual to the State, or to any parish or municipal corporation thereof; provided, the heirs to confiscate property may be released from all taxes due thereon at the date of its reversion to them.

ART. 60. No educational or charitable institution, other than the State institutions now existing, or expressly provided for in this Constitution, shall be established by the State, except upon a vote of two-thirds of the members elected to each House of the General Assembly.

EXECUTIVE DEPARTMENT.

ART. 61. The Executive Department shall consist of a Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State.

ART. 62. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of Louisiana. He shall hold his office during four years, and, together with the Lieutenant Governor, chosen for the same term, shall be elected as follows: The qualified electors for Representatives shall vote for a Governor and Lieutenant Governor at the time and place for voting for Representatives. The return of every election for Governor and Lieutenant Governor shall be made and sealed up separately from the return of election of other officers, and transmitted by the proper officer of every parish to the Secretary of State, who shall deliver them, unopened, to the General Assembly then next to be holden. The members of the General Assembly shall meet on the first Thursday after the day on which they assemble, in the House of Representatives, to examine, tabulate and count the votes evidenced by said returns. The person having the greatest number of votes for Governor shall be declared duly elected; but in case two or more persons shall be equal and highest in the number of votes polled for Governor, one of them shall be immediately chosen Governor by the joint vote of the members of the General Assembly. The person having the greatest number of votes for Lieutenant Governor shall be declared duly elected Lieutenant Governor; but in case two or more persons shall be equal and highest in the number of votes polled for Lieutenant Governor, one of them shall be immediately chosen Lieutenant Governor by the joint vote of the members of the General Assembly.

ART. 63. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, been ten years a citizen of the United States and resident of the State for the same period of time next preceding his election; or who shall hold office under the United States at the time of or within six months immediately preceding the election for such office; nor shall any person who shall have been elected, qualified and served as Governor be eligible as his own successor; provided, however, that he may again be eligible to the office at the expiration of one or more terms after the term for which he shall have served.

ART. 64. The Governor and Lieutenant-Governor shall enter on the discharge of their duties the first Monday next ensuing the announcement by the General Assembly of the result of the election for Governor and Lieutenant Governor; and each shall continue in office until the first Monday next succeeding the day that his successor shall have been declared duly elected, and shall have taken the oath, or affirmation, required by the Constitution.

ART. 65. On and after the third (3rd) Monday of May, 1916, the Governor shall receive a salary of seven thousand five hundred dollars ($7,500.00) per annum, payable monthly on his own warrant; provided this shall not disqualify any member of the General Assembly submitting this amendment.[2]

ART. 66. In case of a vacancy in the office of Governor, the order of succession shall be first the Lieutenant Governor, and second the President *pro tempore* of the Senate.

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[2]Amendment proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original section is as follows:

Art. 65. The Governor shall receive a salary of five thousand dollars per annum, payable monthly, on his own warrant.

In case of the inability of the Governor to act as such by reason of his absence from the State or otherwise, all the powers and duties of the office shall devolve upon the Lieutenant Governor who shall act as Governor *ad interim;* and in case both the Governor and Lieutenant Governor are unable to act as Governor by reason of absence from the State or otherwise, then all the powers and duties of the office of Governor shall devolve upon the President *pro tempore* of the Senate who shall act as Governor *ad interim.*

Should there be a vacancy in the office of Governor, and there be no Lieutenant Governor or President *pro tempore* of the Senate to fill the vacancy, and should the Governor, Lieutenant Governor, and President *pro tempore* of the Senate be unable to act as Governor by reason of absence from the State or otherwise, then all the powers and duties of the office of Governor shall devolve upon the Secretary of State who shall act as Governor until a new President *pro tempore* of the Senate may be elected and qualified or until the disability of the Governor, Lieutenant Governor or President *pro tempore* of the Senate to act be removed.

ART. 67. The Lieutenant Governor, or President, *pro tempore*, or Secretary of State, discharging the duties of the Governor, shall, during his administration, receive the same compensation to which the Governor would have been entitled had he continued in office.

ART. 68. The Lieutenant Governor shall be ex-officio President of the Senate, but shall only have a casting vote therein. The Senate shall elect one of its members as President *pro tempore* of the Senate.

ART. 69. The Lieutenant Governor shall receive for his services a salary of fifteen hundred dollars per annum, payable monthly on his own warrant. In the event of a vacancy in the office of Lieutenant Governor by death, resignation, or any other cause, the President *pro tempore* of the Senate shall fill the office of Lieutenant Governor, performing all the duties incident to the office, and receiving its emoluments.

ART. 70. The Governor shall have power to grant reprieves for all offenses against the State; and, except in cases of impeachment, or treason, shall, upon the recommendation in writing of the Lieutenant Governor, Attorney-General, and Presiding Judge of the court before which the conviction was had, or of any two of them, have power in his discretion to grant pardons, commute sentences, and remit fines and forfeitures, after conviction. In case of treason he may grant reprieves until the end of the next session of the General Assembly, in which body the power of pardoning is vested.

ART. 71. He shall nominate and, by and with the advice and consent of the Senate, appoint all officers whose offices are established by this Constitution and whose appointments, or elections, are not herein otherwise provided for; provided, however, that the General Assembly shall have the right to prescribe the mode of appointment or election to all offices created by it.

ART. 72. The Governor shall have the power to fill vacancies that may happen during the recess of the Senate, in cases not otherwise provided for in this Constitution, by granting commissions which shall expire at the end of the next session; but no person who has been nominated for office and rejected shall be appointed to the same office during the recess of the Senate. The failure of the Governor to send to the Senate the name of any person appointed for office, as herein provided, shall be equivalent to a rejection.

ART. 73. He may require information in writing from the officers in the executive departments upon any subject relating to the duties of their respective offices. He shall be Commander-in-Chief of the Militia of the State, except, when they shall be called into actual service of the United States.

ART. 74. He shall, from time to time, give to the General Assembly information respecting the affairs of the State, and recommend to its consideration such measures as he may deem expedient.

ART. 75. He shall take care that the laws be faithfully executed, and he may, on extraordinary occasions, convene the General Assembly at the seat of government, or, if that should have become dangerous from an enemy or from an epidemic, at a different place. The power to legislate shall be limited to the objects specially enumerated in the proclamation convening such

extraordinary session; therein the Governor shall also limit the time such session may continue; provided, it shall not exceed thirty days. Any legislative action had after the time so limited, or as to objects not enumerated in said proclamation, shall be null and void.

ART. 76. Every bill which shall have passed both houses shall be presented to the Governor. If he approves it, he shall sign it; if not, he shall return it, with his objections in writing, to the house in which it originated, which house shall enter the objections at large upon the Journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of all the members elected to that house shall agree to pass the bill, it shall be sent, with the objections to the other house, by which likewise it shall be reconsidered; and if passed by two-thirds of the members elected to that house, it shall be a law; but in such cases the votes of both houses shall be taken by yeas and nays, and the names of the members voting for or against the bill shall be entered on the Journal of each house, respectively. If any bill shall not be returned by the Governor within five days after it shall have been presented to him, it shall be a law in like manner as if he signed it, unless the General Assembly, by adjournment, shall prevent its return, in which case it shall not be a law.

ART. 77. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items of appropriation disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

ART. 78. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on a question of adjournment, or matters of parliamentary proceeding, or an address for removal from office, shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed according to the rules and limitations prescribed for the passage of bills over the executive veto.

ART. 79. The Treasurer, Auditor, Attorney General, and Secretary of State, shall be elected for a term of four years, by the qualified electors of the State, at the time and place of voting for Representatives; and in case of vacancy caused by death, resignation, permanent absence, or otherwise, of any of said officers, the Governor shall fill the vacancy by appointment, with the advice and consent of the Senate; provided, the Secretary of State shall have authority to appoint an assistant, who shall be known as Assistant Secretary of State, and who, in the absence of the Secretary of State, or in case of his disability, inability to act, or under his direction, shall have authority to perform all the acts and duties of the office of Secretary of State. The Secretary of State shall have authority to remove the Assistant Secretary of State at pleasure.

ART. 80. The Treasurer shall not be eligible as his own immediate successor.

ART. 81. The Auditor of Public Accounts shall receive a salary of five thousand dollars per annum. The Treasurer shall receive a salary of four thousand dollars per annum. The Secretary of State shall receive a salary of five thousand dollars per annum. Each of said officers shall be paid monthly, and no fees, or perquisites or other compensation, shall be allowed them; provided, that the fees now, or which may hereafter be fixed by law to be charged by the Secretary of State, shall be collected and paid over by him monthly to the State Treasurer to be paid to the credit of the General Fund.

ART. 82. Appropriations for the clerical and all other expenses of the officers named in the preceding article shall specify each item of appropriation, and for all purposes shall not exceed in any year for the State Treasurer the sum of thirty-six hundred dollars; and for all purposes for any one year for the Auditor of Public Accounts the sum of eight thousand dollars; and for all purposes for any one year for the Secretary of State, including the salary of the Assistant Secretary of State, and all expenses of the Insurance Department, the sum of ten thousand dollars.

ART. 83. All commissions shall be in the name and by the authority of the State of Louisiana; and shall be sealed with the State seal, signed by the Governor, and countersigned by the Secretary of State.

JUDICIARY DEPARTMENT.

ART. 84. The judicial power of the State shall be vested in a Supreme Court, in Courts of Appeal, in District Courts, in justices of the peace, and in such other courts as are hereinafter provided for.

ART. 85. The Supreme Court, except as hereinafter provided, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases where the matter in dispute, or the fund to be distributed, whatever may be the amount therein claimed, shall exceed two thousand dollars, exclusive of interest; to suits for divorce and separation from bed and board, and to all matters arising therein; to suits involving alimony, for the nullity of marriages, or for interdiction; to all matters of adoption, emancipation, legitimacy, and custody of children; to suits involving homestead exemptions, and to all cases in which the constitutionality or legality of any tax, toll or impost whatever, or of any fine, forfeiture, or penalty imposed by a municipal corporation, shall be in contestation, whatever may be the amount thereof, and to all cases wherein an ordinance of a municipal corporation or law of this State has been declared unconstitutional, and in such cases the appeal on the law and the facts shall be directly from the court in which the case originated to the Supreme Court; and to criminal cases on questions of law alone, whenever the punishment of death or imprisonment at hard labor may be inflicted, or a fine exceeding three hundred dollars, or imprisonment exceeding six months, is actually imposed. Said court shall have such original jurisdiction as may be necessary to enable it to determine questions of fact affecting its own jurisdiction in any case pending before it or it may remand the case; and shall have exclusive original jurisdiction in all matters touching professional misconduct of members of the bar, with power to disbar under such rules as may be adopted by the court.

ART. 86. The Supreme Court shall be composed of one Chief Justice and four Associate Justices, a majority of whom shall constitute a quorum. The Chief Justice and Associate Justices shall each receive a salary of not less than Five Thousand Dollars per annum, payable monthly on his own warrant. They shall each be elected for a term of twelve years. In case of death, resignation, retirement, or removal from office of any Justice, the vacancy shall be filled by the selection by the Court of a Judge of one of the Courts of Appeal from a Supreme Court District other than that in which such vacancy shall occur until the next ensuing congressional election, when it shall be filled by election for a full term of twelve years. They shall be citizens of the United States and of this State, over thirty-five years of age, learned in the law, and shall have practiced law in this State for ten years preceding their election or appointment.

The Chief Justice or any of the Associate Justices of the Supreme Court may retire on full pay when he shall have reached seventy-five years of age, provided said Justice has served continually not less than fifteen years prior to his said retirement.

The Legislature shall provide by proper appropriation for the salaries of retired Justices in the same manner as it provides for other judicial expenses.

ART. 87. The State shall be divided into four Supreme Court districts, and the Supreme Court shall always be composed of justices elected from said districts. The parishes of Orleans, St. John the Baptist, St. Charles, St. Bernard, Plaquemines, and Jefferson, shall compose the first district, from which two justices shall be elected.

The parishes of Caddo, Bossier, Webster, Bienville, Claiborne, Union, Lincoln, Jackson, Caldwell, Ouachita, Morehouse, Richland, Franklin, West Carroll, East Carroll, Madison, Tensas, Concordia, Catahoula and La Salle, shall compose the second district, from which one justice shall be elected.

The parishes of DeSoto, Red River, Winn, Grant, Natchitoches, Sabine,

Vernon, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Rapides, Avoyelles, Pointe Coupee, West Baton Rouge, Iberville, St. Landry, Evangeline, Acadia, Lafayette, and Vermilion, shall compose the third district, from which one justice shall be elected.

The parishes of St. Martin, Iberia, St. Mary, Terrebonne, Lafourche, Assumption, Ascension, St. James, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, Livingston, Tangipahoa, St. Tammany, and Washington shall compose the fourth district, from which one justice shall be elected.

The Justices of the Supreme Court, as now constituted, shall serve until the expiration of their respective terms, and their successors shall be elected each for a term of twelve years at the Congressional Election next preceding such expiration of term.

When the office of Chief Justice becomes vacant, either by death, resignation, removal from office, or otherwise, the Associate Justice who has served the longest time shall, by virtue of said length of service, become Chief Justice.

ART. 88. The Supreme Court shall hold an annual session in the City of New Orleans, beginning not later than the first Monday in the month of November and ending not sooner than June 30th, in each year. It shall appoint its own clerks and remove them at pleasure. The General Assembly shall make the necessary appropriations to provide suitable and commodious buildings for said Court, and the records thereof, and for the care and maintenance of the State Library.

ART. 89. No judgment shall be rendered by the Supreme Court without the concurrence of three justices. Whenever three members cannot concur in any case, in consequence of the recusation of any member or members of the court, or for any other cause, the court shall have authority to call on any judge or judges of the Courts of Appeal, or District Courts, whose duty it shall be, when so called upon, to sit in such case.

ART. 90. All judges, by virtue of their office, shall be conservators of the peace throughout the State. The style of all process shall be "The State of Louisiana." All prosecutions shall be carried on in the name and by the authority of the State of Louisiana, and conclude: "Against the peace and dignity of the same."

ART. 91. The judges of all courts shall refer to the law by virtue of which every definitive judgment is rendered, and in every case they shall adduce the reasons on which their judgment is founded. Service of citation shall not be waived, nor judgment confessed, by any document under private signature executed prior to the maturity of the obligation sued on.

ART. 92. The decisions of the Supreme Court shall be reported under the direction of the court; the publication thereof shall be let out by contract to the lowest bidder, who need not be a citizen of the State.

Concurring and dissenting opinions shall not be published.

The General Assembly shall annually appropriate the sum of two thousand dollars, as salary of stenographers to be appointed by the Court, and for the use of the justices thereof.

ART. 93. The Supreme Court, and each of the justices thereof, shall have power to issue the writ of habeas corpus, at the instance of any person in actual custody, in any case where it may have appellate jurisdiction.

ART. 94. The Supreme Court shall have control and general supervision over all inferior courts. The court, or any justice thereof, shall have power to issue writs of certiorari, prohibition, mandamus, quo warranto, and other remedial writs.

ART. 95. In all cases where there is an appeal from a judgment rendered on a reconventional, or other incidental demand, the appeal shall lie to the Court having jurisdiction of the main demand.

ART. 96. Except as herein provided, no duties or functions shall ever be attached by law to the Supreme Court, Courts of Appeal, or District Courts, or to the several justices, or judges thereof, except such as are judicial, and the said justices and judges are prohibited from receiving any fees of office, or other compensation than their salaries, for any official duty performed by them. No judicial powers, except as committing magistrates in criminal cases,

shall be conferred on any officer other than those mentioned in this title, except such as may be necessary in towns and cities; provided, the General Assembly shall have the power to abolish justice of the peace courts in wards containing cities of more than five thousand inhabitants, and to create in their stead courts with such civil jurisdiction as is now vested in justices of the peace, and with criminal jurisdiction which shall not extend beyond the trial of offenses not punishable by imprisonment at hard labor under the laws of this State, and of violations of municipal and parochial ordinances, and the holding of preliminary examinations in cases not capital. Provided, the compensation of the judges of such courts shall be paid by the parishes and cities in which they are established, in such proportions as may be provided by law.

ATTORNEY GENERAL.

ART. 97. There shall be an Attorney General for the State, who shall be elected by the qualified electors of the State at large every four years. He shall be learned in the law, and shall have actually resided and practiced law, as a licensed attorney, in the State, for five years preceding his election. He shall receive a salary of five thousand dollars per annum, payable monthly on his own warrant.

There shall be two Assistant Attorneys General for the State, who shall be appointed by the Attorney General and be removable at his will.

They shall have the same qualifications as the Attorney General.

They shall take charge of and attend to all such legal matters as the State may be interested in, or be a party to, and shall prosecute and defend all suits wherein the State may be a party or may have an interest, when thereto assigned by the Attorney General, and shall generally do, perform and discharge all such other duties as may be assigned to them by the Attorney General, and they shall represent him and act for him and in his stead whenever he may be absent from the State, or be temporarily disabled, from any cause, from acting himself in any matter; and they shall discharge such other duties as may be imposed, and exercise such other powers as may be conferred by law, on the Attorney General. They shall receive the following annual salaries, payable monthly on their own warrants, to-wit: One, Four Thousand Dollars ($4,000.00), and the other, Three Thousand Five Hundred Dollars ($3,500.00).

COURTS OF APPEAL.

ART. 98. The Courts of Appeal, except as otherwise provided in this Constitution, shall have appellate jurisdiction only, which jurisdiction shall extend to all cases, civil and probate, of which the Civil District Court for the Parish of Orleans or the District Courts throughout the State have exclusive original jurisdiction and of which the Supreme Court is not given jurisdiction, when the matter in dispute or the fund to be distributed shall not exceed two thousand dollars, exclusive of interest, and all appeals shall be both upon the law and the facts.

ART. 99. The Courts of Appeal shall consist of three judges each. They shall be citizens of the United States and qualified electors of this State, learned in the law and shall have practiced law in this State for six years, and shall have been actual residents of the district from which they are elected or appointed for at least two years preceding their election or appointment. They shall receive a salary of four thousand dollars each per year, except that the judges of the Court of Appeal for the Parish of Orleans shall receive a salary of five thousand dollars each per year, payable monthly on his own warrant, and the Legislature shall make adequate appropriation to pay the same.

ART. 100. Exclusive of the parishes whose appeals are returnable to the Court of Appeal for the Parish of Orleans, the State shall be divided into two circuits, to be subdivided into districts as hereinafter provided.

Until otherwise provided by law, the Parishes of East Baton Rouge, West Baton Rouge, Livingston, Tangipahoa, Washington, St. Helena, Pointe Coupee, Iberville, St. Mary, Terrebonne, Assumption, Lafourche, Ascension, Calcasieu,

Allen, Beauregard, Jefferson Davis, Cameron, Vermilion, Lafayette, Iberia, St. Martin, St. Tammany, Acadia, East Feliciana, West Feliciana, St. Landry, Evangeline and Vernon shall compose the first circuit and be known as the "Court of Appeal, First Circuit, State of Louisiana," and the Parishes of Caddo, Bossier, Webster, Bienville, Claiborne, Union, Lincoln, Jackson, Caldwell, Winn, Natchitoches, Sabine, DeSoto, Red River, Ouachita, Richland, Franklin, Catahoula, LaSalle, Concordia, Tensas, Madison, East Carroll, West Carroll, Morehouse, Avoyelles, Rapides and Grant, shall compose the second circuit, and be known as the "Court of Appeal, Second Circuit, State of Louisiana."

The circuits above provided for, until otherwise provided by law, shall be divided in three districts each, as follows:

The parishes of Calcasieu, Allen, Beauregard, Jefferson Davis, Cameron, Vermilion, Lafayette, St. Martin, Acadia, St. Landry, Evangeline, Vernon and Iberia shall compose the first district of the first circuit.

The parishes of West Baton Rouge, Ascension, Pointe Coupee, Iberville, St. Mary, Terrebonne, Assumption and Lafourche, shall compose the second district of the first circuit.

The parishes of East Baton Rouge, Livingston, Tangipahoa, St. Helena, St. Tammany, East Feliciana, West Feliciana and Washington shall compose the third district of the first circuit.

The parishes of Richland, Concordia, East Carroll, West Carroll, Franklin, Catahoula, LaSalle, Tensas, Ouachita, Madison and Morehouse shall compose the first district of the second circuit.

The parishes of Bienville, Claiborne, Jackson, Lincoln, Caldwell, Union, Bossier, Winn, Webster and Grant shall compose the second district of the second circuit.

The parishes of Caddo, DeSoto, Natchitoches, Rapides, Sabine, Avoyelles and Red River shall compose the third district of the second circuit. For each of the circuits there shall be elected three judges, as herein provided for, one judge to be elected by the qualified electors of each district as above designated.

The courts of appeal as now organized and established are hereby recognized and confirmed, and the successors of the several judges now composing the said courts shall be elected at the expiration of their several terms for a term of eight years by the qualified electors of each respective district, the election to take place at the same time and place as the Congressional election next preceding the expiration of their terms. In case of death, removal or resignation from office of any judge, the vacancy shall be filled by appointment by the Governor, with the advice and consent of the Senate, until the next Congressional election, at which time his successor shall be elected. The Courts of Appeal may arrange for an interchange of judges from one circuit to the other when a member of the court is unable to attend from sickness or other cause. Until otherwise provided by the General Assembly, the Court of Appeal of the first circuit shall hold sessions of court at Baton Rouge, Amite, New Iberia, Houma, Franklin, Opelousas, Crowley, Lake Charles, Thibodaux and Donaldsonville, and such other places as may be designated by said Court of Appeal, and the Court of Appeal for the second circuit shall hold sessions of court at Monroe, Shreveport, Alexandria, Natchitoches, Vidalia, Tallulah, and Ruston, and such other places as may be designated by said Court of Appeal. The sessions of said Courts of Appeal shall continue in each circuit for a period of ten months, beginning on the first Monday of September of each year, and ending on the last day of June in the following year; and said courts shall convene at the several places named as the public business may require, and shall keep their courts in session at such places until the cases before them are heard and finally determined. Until otherwise provided by law, the time and place for the return of appeals shall be fixed by said courts.

ART. 101. The judges of the Courts of Appeal shall have power to certify to the Supreme Court any question or proposition of law arising in any cause pending before them concerning which they desire the instruction of that court for its proper decision; and thereupon the Supreme Court may either give its instruction on the question or proposition certified to it, which shall be binding

upon the Court of Appeal in such case, or it may require that the whole record be sent up for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been on appeal directly to the Supreme Court. It shall be competent for the Supreme Court to require by certiorari, or otherwise, any case to be certified from the Courts of Appeal to it for its review and determination, with the same power and authority in the case, as if it had been carried directly by appeal to the said court; provided, that the Supreme Court shall in no case exercise the power conferred on it by this article, unless the application be made to the court, or to one of the justices thereof, not later than thirty days after the decision of the Court of Appeal has been rendered and entered.

ART. 102. No judgment shall be rendered by the Courts of Appeal without the concurrence of two judges and when from any cause two judges cannot agree they shall appoint a district judge or a lawyer having the qualifications of a judge of the Court of Appeal to sit in the case. And should two judges of the Court of Appeal be absent, recused or unable to serve, the remaining judge shall appoint district judges or lawyers with the aforesaid qualifications to sit in the case.

In the Court of Appeal for the Parish of Orleans when for any cause two judges cannot concur or in case of absence, recusation, or disability, the court or one judge thereof, should two be unable to serve, shall select a district judge or judges to sit in the case.

ART. 103. All cases on appeal to the Courts of Appeal shall be tried on the original record, pleadings, and evidence.

ART. 104. The rules of practice regulating appeals to and proceedings in the Supreme Court shall apply to appeals and proceedings in the Courts of Appeal, so far as they may be applicable, until otherwise provided. The Courts of Appeal, and each of the judges thereof, shall have power to issue the writ of habeas corpus at the instance of any person in actual custody within their respective circuits.

ART. 105. The Courts of Appeal and each of the Judges thereof, shall also have authority to issue writs of mandamus, prohibition, and certiorari, in aid of their appellate jurisdiction.

ART. 106. The sheriff of the parish in which the sessions of the Courts of Appeal are held, shall attend in person or by deputy, to execute the orders of said courts, and the Clerk of the District Court of the parish in which the sessions of the Courts of Appeal are held shall serve as clerk thereof, and shall attend sessions of said court, either in person or by deputy, until otherwise provided by the General Assembly. The costs of appeal in any case appealed to the Courts of Appeal, of the first and second circuits, shall not exceed five dollars. The police juries of the various parishes of the State in which the sessions of the Courts of Appeal are held, shall provide suitable rooms for the holding of said courts, so as not to interfere with the sessions of the district and other courts.

DISTRICT COURTS.

ART. 107. The State shall be divided into not less than twenty nor more than thirty-two judicial districts, the Parish of Orleans excepted. Until otherwise provided by law there shall be thirty districts.

ART. 108. The Parish of Caddo shall compose the first district.

The Parishes of Bossier and Webster shall compose the second district.

The Parishes of Claiborne and Bienville shall compose the third district.

The Parishes of Union and Lincoln shall compose the fourth district.

The Parishes of Jackson and Winn shall compose the fifth district.

The Parishes of Ouachita and Morehouse shall compose the sixth district.

The Parishes of West Carroll and Richland shall compose the seventh district.

The Parishes of Franklin and Catahoula shall compose the eighth district.

The Parishes of Madison and East Carroll shall compose the ninth district.

The Parishes of Concordia and Tensas shall compose the tenth district.

The Parishes of Natchitoches and Red River shall compose the eleve district.

The Parishes of De Soto, Sabine and Vernon shall compose the twel district.

The Parishes of Rapides and Grant shall compose the thirteenth district

The Parish of Avoyelles shall compose the fourteenth district.

The Parishes of Calcasieu, Allen, Beauregard, Jefferson Davis and Ca eron shall compose the fifteenth district.

The Parishes of St. Landry and Evangeline shall compose the sixtee district.

The Parish of Vermilion shall compose the seventeenth district.

The Parishes of Acadia and Lafayette shall compose the eighteenth distr

The Parishes of Iberia and St. Martin shall compose the nineteenth distr

The Parishes of Terrebonne and Lafourche shall compose the twentie district.

The Parishes of Iberville, West Baton Rouge and Pointe Coupee sh compose the twenty-first district.

The Parish of East Baton Rouge shall compose the twenty-second distri

The Parish of St. Mary shall compose the twenty-third district.

The Parishes of East Feliciana and West Feliciana shall compose t twenty-fourth district.

The Parishes of St. Helena, Livingston and Tangipahoa shall compose t twenty-fifth district.

The Parishes of Washington and St. Tammany shall compose the twen sixth district.

The Parishes of Ascension, St. James and Assumption shall compose t twenty-seventh district.

The Parishes of St. John the Baptist, St. Charles and Jefferson shall co pose the twenty-eighth district.

The Parishes of St. Bernard and Plaquemines shall compose the twen ninth district.

The Parishes of Caldwell and LaSalle shall compose the thirtieth distri

The Judges of the several districts as herein provided for, shall each ceive a salary of Three Thousand Dollars per annum, payable monthly his own warrant, provided the General Assembly may, in their discretion, district the judicial districts provided for in this Article.

ART. 109. Sec. 1. The District courts, except in the Parish of Orlea shall have original jurisdiction in all civil matters where the amount in disp shall exceed fifty ($50.00) dollars, exclusive of interest and in all cases wh the title to real estate is involved, or to office or other public positions, or ci or political rights, and all other cases where no specific amount is in conte except as otherwise provided in this Constitution.

They shall have unlimited and exclusive original jurisdiction in all cri inal cases except such as may be vested in other courts authorized by t constitution; and in all probate and succession matters, and where a successi is a party defendant, and in all cases where the State, a parish, municipali or other political corporation is a party defendant regardless of the amou in dispute; and of all proceedings for the appointment of receivers or liqui tors to corporations or partnerships; and said court shall have authority issue all such writs, process and orders as may be necessary or proper for t purpose of the jurisdiction herein conferred upon them.

There shall be one district judge in each judicial district except in t First, Thirteenth, Fifteenth, Twenty-first, Twenty-fifth and Twenty-eighth Ju cial Districts, where until otherwise provided by law there shall be three (district judges in the First Judicial District, and in the other districts abo mentioned there shall be two (2) district judges.

District judges shall be elected by a plurality of the qualified voters their respective districts, in which they shall have been actual residents f two years next preceding their election.

They shall be learned in the law and shall have practiced law in this Sta five years previous to their election.

District judges under this Constitution shall be elected on the Tuesday after the first Monday in November, 1916, and every four years thereafter.

Vacancies occasioned by death, resignation, or otherwise where the unexpired portion of the term is less than one year shall be filled for the remainder of the term by appointment by the Governor with the advice and consent of the Senate. In all cases where the unexpired portion of the term is one year or more the vacancy shall be filled by special election, to be called by the Governor and held within sixty days of the occurrence of the vacancy, under the general election laws of the State.

Sec. 2. That the foregoing amendment to the Article of the Constitution of this State, if adopted, shall become operative on the first Tuesday after the first Monday in November, 1914, at which time the additional Judges provided for in said Article shall be elected in conformity with existing election laws and they shall hold office for a term of two years and until their successors are elected and qualified, on the first Tuesday after the first Monday in November, 1916, on which date all Judges hereinabove provided for shall be elected in conformity with existing election laws and they shall hold office for a term of four years and until their successors are elected and qualified.[3]

ART. 110. The General Assembly shall not have power to increase the number of district judges in any district.

ART. 111. The District Courts shall have jurisdiction of appeals from justices of the peace in all civil matters, regardless of the amount in dispute, and from all orders requiring a peace bond. Persons sentenced to a fine or imprisonment, by Mayors or Recorders, shall be entitled to an appeal to the District Court of the parish, upon giving security for fines and costs of court, and in such cases trial shall be de novo and without juries.

ART. 112. The General Assembly shall provide by law for the interchange of district judges; and also for the trial of recused cases in the district courts by the selection of licensed attorneys-at-law, by an interchange of judges or otherwise; said lawyers, sitting for recused judges, to have all qualifications required for district judges except that of residence in the district. Whenever any district judge is prevented by disability or any other cause whatever, from holding his court, or in case of vacancy in the office of judge, and that fact is

[3]Amendment proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original section is as follows:

ART. 109. The district courts, except in the Parish of Orleans, shall have original jurisdiction in all civil matters where the amount in dispute shall exceed fifty ($50) dollars, exclusive of interest and in all cases where the title to real estate is involved, or to office or other public positions, or civil or political rights, and all other cases where no specific amount is in contest, except as otherwise provided in this Constitution.

They shall have unlimited and exclusive original jurisdiction in all criminal cases except such as may be vested in other courts authorized by this Constitution; and in all probate and succession matters, and where a succession is a party defendant, and in all cases where the State, a parish, municipality or other political corporation is a party defendant, regardless of the amount in dispute; and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships; and said court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purpose of the jurisdiction herein conferred upon them.

There shall be one district judge in each judicial district, except in the First, Fifteenth and Twenty-first judicial districts, where until otherwise provided by law there shall be two (2) district judges, but judges of the Twenty-first judicial district shall not be residents of the same parish.

And the judges of the Fifteenth (15th) judicial district shall not be residents of the same parish after the expiration of the terms of the present incumbents.

District judges shall be elected by a plurality of the qualified voters of their respective districts, in which they shall have been actual residents for two years next preceding their election. They shall be learned in the law, and shall have practiced law in this State five years previous to their election.

District judges under this Constitution shall be elected on the Tuesday after the first Monday in November, 1916, and every four years thereafter.

Vacancies occasioned by death, resignation, or otherwise, where the unexpired portion of the term is less than one year, shall be filled for the remainder of the term by appointment by the Governor, with the advice and consent of the Senate. In all cases where the unexpired portion of the term is one year or more, the vacancy shall be filled by special election, to be called by the Governor, and held within sixty days of the occurrence of the vacancy, under the general election laws of the State.

made to appear by the certificate of the clerk, under the seal of the court, t the Supreme Court, or to any justice thereof, if in the judgment of the cour or any justice, the public interest so requires, the court or such justice sha designate and appoint a district judge of another district to hold said court an discharge all the judicial duties of the judge so disabled during said disability or until the vacancy is filled. Such appointment shall be filed in the clerk' office and entered on the minutes of said District Court, and a certified cop thereof, under the seal of the court, shall be transmitted by the clerk of th District Court to the district judge so designated and appointed.

ART. 113. Wherever in this Constitution the qualification of any justic or judge shall be the previous practice of the law for a term of years, ther shall be included in such term the time such justice or judge shall have occu pied the bench of any court of record in this State; provided, he shall hav been a licensed attorney for five years before his election or appointment.

ART. 114. No judge of any court of the State shall be affected in his term of office, salary, or jurisdiction as to territory or amount, during the term o period for which he was elected or appointed. Any legislation so affecting any judge or court shall take effect only at the end of the term of office of the judge or judges, incumbents or the court, or courts, to which such legislatio may apply at the time of its enactment. This article shall not affect the pro visions of this Constitution relative to impeachment or removal from office.

ART. 115. The district judges shall have power to issue the writ of habeas corpus at the instance of any person in actual custody in their respective districts.

ART. 116. The General Assembly shall provide for the selection of com petent and intelligent jurors. All cases in which the punishment may not be at hard labor shall, until otherwise provided by law, be tried by the judge without a jury. Cases in which the punishment may be at hard labor shall be tried by a jury of five, all of whom must concur to render a verdict; cases in which the punishment is necessarily at hard labor, by a jury of twelve, nine of whom concurring may render a verdict; cases in which the punishment may be capital, by a jury of twelve, all of whom must concur to render a ver dict.

ART. 117. District Courts shall hold continuous sessions during ten months of the year. In districts composed of more than one parish, the judge shall sit alternately in each parish, as the public business may require. Until otherwise provided by law, judgments shall be signed after three days from the rendition thereof, and become executory ten days from such signing.

The General Assembly shall provide for the drawing of juries for the trial of civil and criminal cases. A grand jury of twelve, nine of whom must concur to find an indictment, shall be empanelled in each parish twice in each year, and shall remain in office until a succeeding grand jury is empanelled; except in the Parish of Cameron, in which at least one grand jury shall be empanelled each year. The district judges shall have authority to try at any time misde meanors, and, when the jury is waived, all cases not necessarily punishable at hard labor, and to receive pleas of guilty in cases less than capital.

JUVENILE COURTS.

ART. 118. Juvenile Courts throughout the State are established as follows:

SECTION 1. There shall be in the Parish of Orleans a separate Court to be known as the Juvenile Court for the Parish of Orleans. The judge of the said court shall be a qualified elector of the Parish of Orleans, at least forty (40) years of age, shall have practiced law in the State for five (5) years prior to his election, and shall be elected for a term of four (4) years at each recurring general State election. He shall receive a salary of Three Thousand Dollars ($3,000) a year, payable monthly upon his own warrant. The Juvenile Court shall be in continuous session throughout the year, provided that the judge shall be entitled to a vacation of one month, and that in case of his absence or recusation, the court shall be presided over by one of the judges of the Criminal District Court. Appeals from the said court shall be allowed upon matters of law only and shall be direct to the Supreme Court. The City of

New Orleans shall provide suitable quarters for said court, which shall be in a building separate from that of any of the criminal courts, and shall make necessary provision for the conduct of the business of the said court and provide for the expense of same.

The judge of the said Juvenile Court in the Parish of Orleans may commission the agent of the Society for the Prevention of Cruelty to Children, or some other reputable person or persons, either male or female, as Probation Officers, one of whom shall be designated the Chief Probation Officer. Said Probation Officers shall be present in court when cases assigned to them as hereinafter provided, are heard, to represent the interest of the child. They shall make such investigations of each case and take such charge of the child before or after trial as may be directed by the Court. Probation officers are hereby invested with all the power and authority of sheriffs to make arrests and perform other duties incident to their office.

SEC. 2. Each District Court outside of the Parish of Orleans, when in session under the provisions of this act, shall be known, for convenience, as the Juvenile Court; and all sessions of said Juvenile Court shall be held apart from all other sessions; and the records of the proceedings of said Juvenile Court shall be kept separate from the records of all the other proceedings of said District Court. Said court may sit in chambers, and shall hold its sessions irrespective of the terms of court. The respective judges of said District Courts outside of the Parish of Orleans shall have authority to appoint one or more discreet persons of either sex to serve as probation officers. It shall be unlawful for any of the officers of any Juvenile Court to collect or for any persons to pay any costs of court for any official services rendered by said court or its officers.

SEC. 3. The Juvenile Court in the Parish of Orleans, and the District Courts outside of said parish, sitting as Juvenile Courts, shall have jurisdiction, except for capital crimes, of the trial of all children under seventeen years of age who may be charged in said courts as neglected or delinquent children, and of all persons charged with contributing to the neglect or delinquency of children under seventeen years of age, or with a violation of any law now in existence or hereafter enacted for the protection of the physical, moral or mental well-being of children, not punishable by death or hard labor. Said court shall also have jurisdiction of all cases of desertion or non-support of children by either parent. The term "neglected" child shall mean any child seventeen years of age, and under, not now or hereafter inmates of a State institution, found destitute, or dependent on the public for support, or without proper guardianship, or whose home, by reason of the neglect, cruelty, depravity or indigence of its parents, guardians, or other persons, is an unfit place for such child, or having a single surviving parent undergoing punishment for crime, or found wandering about the streets at night without being on any lawful business. The term "delinquent" child shall mean any child seventeen years of age and under, not now or hereafter inmates of a State institution, found begging or receiving alms, or being in any street, road or public place for the purpose of begging or receiving alms, or peddling any article or singing or playing any musical instrument in any street, road or public place, for alms, or accompanying any person so engaged; or found living in any house of prostitution or assignation or with any vicious or disreputable person or frequenting the company of reputed criminals or prostitutes, or visiting any saloon or place of entertainment where spirituous liquors or wines or intoxicating or malt liquors are sold, exchanged or given away, or found in any policy shop, pool room, bucket shop, race track or where any gambling game or gambling device is operated, or found habitually wandering around any railroad tracks or yards or jumping or attempting to jump on any moving train or street car for the purpose of stealing a ride, or entering any car or engine without lawful authority; or found to be incorrigible or habitually using vile, obscene or indecent language or guilty of immoral conduct in public places or around school houses, or growing up in idleness and crime, or who, without the consent of parents or guardians or custodians, absents himself from his home or place of abode or runs away from any State institution or institution of charity to

which he may be confined, or violates any law of the State or any ordinance of any village, town, city, or parish of the State.

SEC. 4. When a child is charged, or any person is charged, with an offense in respect of any child and said child is alleged to be under any given age and shall appear to the court to be under that age, such child shall be presumed under that age, unless the contrary be proved. All proceedings against neglected and delinquent children shall be by affidavit, made before the clerk of the court or any committing magistrate by any reputable person, charging the child with being neglected or delinquent, and briefly setting forth in general terms the facts constituting said neglect or delinquency; and when made by the District Attorney or a probation officer, may be upon information and belief. Upon the filing of such affidavit, the court shall issue a summons to the person having the custody of said child, to appear with the child on the day following the service of said summons; and failure to comply with the order of the court shall subject the person summoned to punishment as in case of contempt. Whenever it shall appear to the court that said summons has proven or is likely to prove ineffectual, or whenever the court in its discretion considers it expedient, a warrant may be issued for the arrest of the person with whom the child may be, or for the arrest of the child itself. Pending the trial, the courts throughout the State, may permit the child to remain in the possession of the person having the custody of said child, or may place it in the custody of any person, association, or institution deemed proper in the judgment of the court. The court may require a bond from such person for the appearance of the child; and upon the custodian's failure to produce said child when directed to do so, the court may, in addition to declaring the bond forfeited, punish said person as in case of contempt. Such bond shall be received by the clerk of court. Outside the Parish of Orleans the court may entrust the child to the sheriff, who shall keep the child in some suitable place, apart from the jail, to be provided by the parish, and the Police Jury of said parish shall have the power to contract for the care of any such child or children with any association or institution situated in the State of Louisiana, possessing facilities for the proper care and safekeeping of such children, and shall allow a reasonable per diem for the care of such child, together with the actual expense of transportation, all of which shall be paid by the parish on itemized vouchers; provided that the Governor of the State may at any time, upon the disapproval of the State Board of Charities and Corrections certified to him, order an abrogation of said contract. In the Parish of Orleans the court may turn the child over to the chief probation officer to be placed in the care of some proper association or institution, for whose compensation the City of New Orleans shall provide a reasonable per diem; but in no instance, shall the court commit any child to any jail or other lock-up. No police officer, sheriff, probation officer, or other peace officer arresting a child in the commission of a violation of any of the provisions of this Constitution, or under any other circumstances, shall place said child in any such police station, jail or other lock-up or book said child in any such police station or jail, with any offense, or make any record in said station or jail of such arrest; and any officer violating any of the terms of this article shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding One Hundred Dollars; provided, that in the Parish of Orleans the child shall be turned over to the custody of the chief probation officer until the proper action may be taken by the court. In all preliminary proceedings against the child, he need not appear in person, but in the discretion of the court, may be represented by the probation officer. In said Juvenile Court in the Parish of Orleans, and in the District Courts outside said parish sitting as Juvenile Courts, all proceedings against adults shall be by affidavit, information or indictment in the same manner as now required by law. Immediately upon the filing of any affidavit or information (or indictment) in said Juvenile Court the clerk of said Court shall furnish a copy of the same to the probation officer, who shall institute an investigation of the case without delay. In trials hereunder, children and adults shall be entitled to counsel and, in proper cases,

where children are unable to procure counsel, the court, in its discretion, may appoint an attorney to defend them. In the trial of all cases under this article, all facts connected therewith, and all surrounding circumstances including the environment and history of the child, together with any character of evidence, which the court in its discretion, may deem proper shall be admissible in evidence, and the testimony of the probation officer assigned to the case shall be admissible as to the result of his investigation. In the trial of adults under this article, the District Attorney may conduct the prosecution, provided counsel may be retained by persons interested in the child to assist therein, and the District Attorney may authorize the attorney of any association organized for the care of delinquent or neglected children, to conduct said prosecution in the name of the State. Notice of all trials shall be sent to the proper probation officer. The trial of juveniles and adults, white children and colored children shall be at separate sessions of the court. No charges or affidavits made, evidence given or judgment rendered against any child in any Juvenile Court shall be at any time thereafter admissible against such child in any other proceedings in any other court of the State. Whenever a child shall be found to be neglected within the meaning of this article, the court may commit it to the care of some State institution or to some citizen of good moral character or to some association or institution, embracing within its objects the care of neglected children. In case of a child found to be delinquent within the meaning of this article, the court, in cases where the delinquency charge would, in an adult, amount to a crime punishable at hard labor may commit said child to the State Training Institute, and in all other cases to the State Training Institute or to any other institution within the State organized for the care of delinquent children. Said commitment may be for an indefinite period, but in no case beyond the minority of the child. A child committed to any institution shall be subject to the control of the Board of Managers thereof, under the supervision of the court; and the said board, with the approval of the court, shall have the power to parole said child on such conditions as it shall prescribe; and the court shall, on the recommendation of said board, discharge such child, whenever in the court's judgment, its reformation is complete. Whenever the interest of the child shall require, the court may defer its judgment, continuing the hearing from time to time, and may commit the care of the child to a probation officer, and may allow such child to remain at home or in some suitable family without cost to the State, or in any institution deemed proper by the court, subject always to the visitation and supervision of the probation officer, and such child shall report to the probation officer of the court as often as may be required, or may be returned to the court for further action whenever deemed necessary by said court, in which event the court may discharge the child, or continue the probation, or make any other disposition of said child authorized by this article. The court may, at any time, require from institutions or associations receiving or desiring to receive children under the provisions of this article such information and reports as it may deem proper; and the court may, at any time, when the care and discipline of children committed to such institution or association shall be found to be unsatisfactory, remove such children therefrom; and every such association or institution shall be subject to the same visitation and supervision by the State Board of Charities and Correction as the public charitable institutions of the State, and in the Parish of Orleans to the visitation and inspection and supervision of the Board of Prison and Asylum Commissioners; and every such association or institution shall at such time as the State Board of Charities and Correction may direct, make reports thereto showing its condition and management, its competency to adequately care for such children as may be committed to it and such other facts as said Board may require. Between the first and fifteenth of January of each year, the clerks in the District Courts in the parishes outside of the Parish of Orleans, and of the Juvenile Court in the Parish of Orleans, shall submit to the State Board of Charities and Corrections a report in writing, upon blanks to be furnished by said Board, showing the number and disposition of dependent and delinquent

children, and the number, character and disposition of adults, brought before said court, together with such other useful information regarding such cases, and the parentage of such children as may be reasonably obtained at the trial thereof; provided that the names or identity of such children shall not be disclosed in such report. The expenses incident to the operation of the courts provided for herein other than the salary of the judges shall be paid by the respective parishes. These provisions shall be liberally construed to the end that the purposes may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, provided that the word child in this article shall not apply to emancipated minors.

SHERIFFS AND CORONERS.

ART. 119. There shall be a sheriff and a cornor elected by the qualified voters of each Parish in the State, except in the Parish of Orleans, who shall be elected at the general election and hold office for four years. The coroner, except in the Parish of Orleans, shall act for and in place of the sheriff, whenever the sheriff shall be a party interested, and whenever there shall be a vacancy in the office of sheriff, until such vacancy shall be filled, and if there be no coroner then the District Court may make a temporary appointment, but he shall not, during such vacancy, discharge the duties of tax collector. The sheriff, except in the Parish of Orleans, shall be ex-officio collector of State, parish and all other taxes except municipal taxes.

He shall give separate bonds for the faithful performance of his duty in each capacity. Until otherwise provided, the bonds shall be given according to existing laws.

Sheriffs elected or appointed shall furnish bonds within thirty days from the date of their commissions, in default of which the office shall be declared vacant.

All vacancies occurring in the office of sheriff, by death, resignation or otherwise, where the unexpired portion of the term is one year or more, shall be filled by special election, to be called by the Governor and held within sixty days of the occurrence of such vacancy under the general election laws of this State. In all cases where the vacancy is less than one year, the Governor shall appoint for the remainder of the term.

ART. 120. The sheriff shall receive compensation from the parish for his services in criminal matters,—the keeping of prisoners, conveying convicts, insane persons, juveniles, lepers, and other persons committed to any institution of the State, service of process from another parish, and service of process or the performance of any duty beyond the limits of his own parish excepted,—not to exceed five hundred dollars per annum for each Representative the parish may have in the House of Representatives.

The compensation of sheriffs as tax collectors shall not exceed five per cent on all sums collected and paid over; provided, that they shall not be discharged as tax collectors until they make proof that they have exhausted the legal remedies to collect taxes.

ART. 121. The coroner in each parish shall be a doctor of medicine, regularly licensed to practice, and shall be ex-officio parish physician; provided, this article shall not apply to any parish in which there is no regularly licensed physician who will accept the office.

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[4]By an act adopted by the General Assembly of 1916, and ratified at the election of Nov. 7, 1916, Section 5 was repealed. The text of the original amendment is as follows:

Sec. 5. Except in parishes which contain an incorporated town of more than seven thousand inhabitants, the provisions of this Constitution shall be inoperative, provided that whenever the Police Jury of any parish shall desire to have the said provisions extend to such parish, the said Police Jury shall, by resolution duly adopted, make application to the Governor of the State, requesting that the effect and operation of the said provisions shall be extended to said parish, whereupon the Governor shall issue his proclamation which shall be published in said parish and in the Official Journal at the Capital, declaring the said provisions in effect and operation in said parish, and the same shall thereafter be in full force, operation and effect.

CLERKS.

ART. 122. There shall be a clerk of the District Court in each parish, the Parish of Orleans excepted, who shall be ex-officio clerk of the Court of Appeal.

He shall be elected by the qualified electors of the parish every four years, and shall be ex-officio parish recorder of conveyances, mortgages, and other acts, and notary public.

He shall receive no compensation from the State or parish for his services in criminal matters.

He shall give bond and security for the faithful performance of his duties in such amount as shall be fixed by the General Assembly.

ART. 123. The General Assembly shall have power to vest in clerks of court authority to grant such orders and to do such acts as may be deemed necessary for the furtherance of the administration of justice; and in all cases the powers thus vested shall be specified and determined.

ART. 124. Clerks of District Courts may appoint, with the approval of the District Judges, deputies with such powers as shall be prescribed by law; and the court shall have the power to continue one of them in office as clerk in the event of a vacancy in the office of clerk, until his successor shall be appointed or elected, and qualified.

All elections to fill vacancies occasioned by death, resignation or removal shall be for the unexpired term, and the Governor shall fill the vacancy until an election can be held. Provided, that the election to fill such vacancy shall be held within sixty days from the date that the vacancy occurs, provided if such unexpired term is for a shorter period than one year, the appointee of the Governor shall hold the office for said term.

DISTRICT ATTORNEYS.

ART. 125. Section 1. There shall be a District Attorney for each Judicial District in the State, who shall be elected by the qualified electors of the judicial district at the same time and for the same term as is provided in Article 109 for District Judges. He shall receive a salary of One Thousand Dollars per annum, payable monthly on his own warrant. He shall be an actual resident of the District and a licensed attorney in this State. He shall also receive fees; but no fee shall be allowed in criminal cases, except on conviction, which fee shall not exceed five dollars in each case of a misdemeanor. All elections to fill vacancies occasioned by death, resignation or removal shall be for the unexpired term, and the Governor shall fill the vacancy until an election can be held. Provided that the election to fill such vacancy shall be held within sixty days from the date the vacancy occurs. Provided, if such unexpired term is for a shorter period than one year, the appointee of the Governor shall hold office for said term.

In each Judicial District the General Assembly shall have the power to create and provide for, by legislative act, the office of Assistant District Attorney, said Assistant District Attorney to be selected and appointed by the District Attorney of said Judicial District, subject to removal at his discretion, and commissioned by the Governor.

The said Assistant District Attorney shall possess the qualifications hereinabove provided, and shall be clothed with all the powers of the duly elected and qualified District Attorney under the Constitution and laws of Louisiana, except that the District Attorney shall be entitled to and shall receive all fees and emoluments of the office.

The said Assistant District Attorney shall receive a salary of Six Hundred Dollars per annum, to be paid by the State, payable monthly on his own warrant, and such additional salary as the legislature may fix, to be paid pro rata by the Police Jury of the Parish or Parishes of said Judicial District.

SEC. 2. That the foregoing amendment to the Article of the Constitution

of this State, if adopted, shall become operative on the first day of January, A. D. 1915.[5]

JUSTICES OF THE PEACE AND CONSTABLES.

ART. 126. In each parish, the Parish of Orleans excepted, there shall be as many justices of the peace as may be provided by law. The present number of justices of the peace shall remain as now fixed until otherwise provided. They shall be freeholders and qualified electors and possess such other qualifications as may be prescribed by law. They shall be elected for the term of four years by the qualified voters within the territorial limits of their jurisdiction.

They shall have exclusive original jurisdiction in all civil matters, when the amount in dispute shall not exceed fifty dollars, exclusive of interest, and original jurisdiction concurrent with the District Court when the amount in dispute shall exceed fifty dollars, exclusive of interest, and shall not exceed one hundred dollars, exclusive of interest; including suits for the ownership or possession of movable property and exceeding said amounts in value, and suits by landlords for possession of leased premises, when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed said amounts. They shall have no jurisdiction in succession or probate matters, or when a succession is a defendant, or when the state, parish or any municipality or other political corporation, is a party defendant, or when title to real estate is involved. They shall receive such fees in civil matters as may be fixed by law. They shall have criminal jurisdiction as committing magistrates, and shall have power to bail or discharge in cases not capital or necessarily punishable at hard labor. The General Assembly may by general or special laws invest justices of the peace in general or in any particular parish or parishes with criminal jurisdiction over misdemeanors to be tried with a jury composed of not more than five nor less than three persons, in such manner as may be provided by law, with the right of appeal to the District Court in all cases, not appealable to the Supreme Court, as hereinbefore provided for.

ART. 127. There shall be a constable for the court of each justice of the peace in the several parishes of the State, who shall be elected for a term of four years, by the qualified voters within the territorial limits of the jurisdiction of the several justices of the peace. They shall receive such fees in civil matters as may be fixed by law.

ART. 128. Justices of the peace and constables shall receive no fees in criminal matters, nor in peace bond cases, but, in lieu thereof, such salaries as may be fixed by the police jury, and paid by the parish, which salaries shall be graded.

FEES.

ART. 129. The General Assembly shall provide a general fee and cost bill to regulate the fees and costs to be charged for the services of sheriffs, clerks and recorders, justices of the peace, constables, and coroners, in all civil matters; from which compensation for the services of said officials may be provided according to law. Salaries may be fixed for said officials, and if the fees and costs collected by them exceed such salaries, such excess may be disposed

[5]Amendment proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original article is as follows:

Art. 125. There shall be a district attorney for each judicial district in the State, who shall be elected by the qualified electors of the judicial district at the same time and for the same term as is provided in Article 109 for District Judges. He shall receive a salary of one thousand dollars per annum, payable monthly on his own warrant. He shall be an actual resident of the district and a licensed attorney in this State. He shall also receive fees; but no fee shall be allowed in criminal cases, except on conviction, which fee shall not exceed five dollars in each case of misdemeanor. All elections to fill vacancies occasioned by death, resignation or removal shall be for the unexpired term, and the Governor shall fill the vacancy until an election can be held. Provided, that the election to fill said vacancy shall be held within sixty days from the date the vacancy occurs. Provided, if such unexpired term is for a shorter period than one year, the appointee of the Governor shall hold office for said term.

of according to law. The General Assembly may provide in all civil cases for the service of process and pleadings by litigants themselves.[6]

COURTS AND OFFICERS FOR THE PARISH OF ORLEANS, AND CITY OF NEW ORLEANS.

ART. 130. Except as herein otherwise provided, the judicial officers of the Parish of Orleans, and of the City of New Orleans, shall be learned in the law, and shall have resided and practiced law or shall have held judicial position in this State for five years, and shall have been actual residents of the City of New Orleans for at least two years next preceding their election or appointment.

ART. 131. There shall be a Court of Appeal, to be known and designated as the Court of Appeal for the Parish of Orleans, which shall be composed of three judges, who shall be learned in the law and who shall have practiced law in this State for six years, and shall have been residents of one of the parishes hereinafter named for at least two years next preceding their election or appointment, and they shall be elected by the qualified electors of the said parishes. Said Court shall sit in the City of New Orleans, and shall hold its session from the second Monday of October until the end of the month of June in each year.

The Judges of said court shall each serve for a term of eight years and shall be elected at the congressional election preceding the expiration of their terms. The terms of the present judges of said court shall expire respectively on the first days of January, 1917, 1919 and 1921.

Vacancies occasioned by death, resignation, or otherwise, shall be filled for the unexpired terms by appointment by the Governor, with the advice and consent of the Senate.

Until otherwise provided by law all appeals within its jurisdiction from the parishes of Orleans, St. James, St. John the Baptist, St. Charles, Jefferson, Plaquemines and St. Bernard shall be returnable to said court.

There shall be a clerk of said Court of Appeal, who shall be elected by the qualified voters of said parishes for the term of four years; he shall be entitled to charge and retain as his compensation such fees as may be allowed by law. Said clerk shall appoint, if necessary, deputy clerks and shall fix and pay their salaries. He shall give bond in the sum of five thousand dollars, which bond shall be examined in open court by the judges of the Court and all testimony given in said examination shall be reduced to writing and made of record; he may be removed by the court for the same causes and in the same manner as are hereinafter provided for the Clerk of the Civil District Court for the Parish of Orleans; he may act as minute clerk of the court or may appoint a deputy to that position.

Said Court of Appeal for the Parish of Orleans shall have appellate jurisdiction from the City Courts of New Orleans in all cases.

All such appeals shall be tried de novo, and the judges of the Court of Appeal may provide rules that one or more of the judges shall try such cases, which they shall be authorized to decide immediately after trial, and without written opinions.

ART. 132. There shall be two District Courts for the Parish of Orleans, and no more. One of said courts shall be known as the Civil District Court, and the other as the Criminal District Court. For the Civil District Court there shall be not fewer than five judges, and for the Criminal District Court not fewer than two judges, who shall be elected by a plurality of the qualified electors of the Parish of Orleans for the term of twelve years, and who shall each receive an annual salary of four thousand dollars, payable upon his own warrant, in equal monthly installments.

[6] Amendment proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original section is as follows:

ART. 129. The General Assembly shall provide a general fee bill, or bill of costs, regulating and fixing the fees and compensation allowed sheriffs, clerks and recorders, justices of the peace, constables, and coroners, in all civil matters. The General Assembly may provide in all civil cases for the service of process and pleadings by the litigants themselves.

ART. 133. The Civil District Court shall have exclusive and general original probate jurisdiction, and exclusive original civil jurisdiction, in all cases where the amount in dispute or the funds to be distributed shall exceed one hundred dollars, exclusive of interest; and exclusive jurisdiction in suits by married women for separation of property, in suits for separation from bed and board, for divorce, for nullity of marriage, or for interdiction, and in suits involving title to immovable property, or to office or other public position, or civil or political rights; and in all other cases, except as hereinafter provided, where no specific amount is in contest, and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships. And said Court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purpose of the jurisdiction herein conferred upon it. The Judges of said Court en banc shall have control over the Judicial Expense Fund for the Parish of Orleans, accruing, and accrued, and to this end shall fix and regulate, from time to time, the number of deputies and employees of the offices of the Clerk of the Civil District Court, the City Courts, Register of Conveyances and Recorder of Mortgages of said Parish and their expenses, and also shall have power to fix the tariff of costs and charges to be paid for official services, which shall not exceed in any respect the tariffs now fixed by law, in said offices, which are paid into, and constitute said fund. Due publication of which tariff when made, shall be given. They shall have power to determine, whether any amounts from said fund, or its excess, shall be devoted to the expense of taxing testimony by short hand and to regulate and provide for the same. The Judges of said Court shall each receive an additional annual salary of One Thouand dollars, payable monthly, on their own warrant which shall be payable out of this Fund and provided further that the said Judges shall be authorized to contribute out of said surplus fund, to the embellishment and maintenance of the Court House.[7]

ART. 134. All cases after being filed in said Civil District Court shall be allotted or assigned among the judges thereof, in accordance with rules to be adopted by said Court, unless otherwise provided by law.

ART. 135. Judgments homologating accounts, which have been duly advertised, when not opposed, or so far as not opposed, may be rendered and signed either in term time or vacation; and by any judge, in the absence or disability of the judge to whom the case has been allotted.

ART. 136. The judges of said Civil District Court shall be authorized to adopt rules, not in conflict with law, regulating the allotment, assignment and disposition of cases, the order in which they shall be tried, and the proceedings in such trials, and to sit en banc for the purpose of testing the bonds and sureties of the clerk of the court, the recorder of mortgages, the register of conveyances, and the civil sheriff, for the trial and removal of the clerk and civil sheriff, or either of them, for the selection of jurors, and in other cases when the action of the court as a whole is required. When sitting en banc the judge who has been longest in continuous service in said court, and in his absence the judge longest in service of those present, shall preside; and when a certificate of authentication from the court is required such judge shall be authorized to sign the same as presiding judge. The court may, by its rules, grant the presiding judge further authority not in conflict with these provisions.

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[7]Amendment proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original section is as follows:

Art. 133. The Civil District Court shall have exclusive and general original probate jurisdiction, and exclusive original civil jurisdiction, in all cases where the amount in dispute or the fund to be distributed shall exceed one hundred dollars, exclusive of interest; and exclusive jurisdiction in suits by married women for separation of property, in suits for separation from bed and board, for divorce, for nullity of marriage, or for interdiction, and in suits involving title to immovable property, or to office or other public position, or civil or political rights; and in all other cases, except as hereinafter provided, where no specific amount is in contest, and of all proceedings for the appointment of receivers or liquidators to corporations or partnerships. And said court shall have authority to issue all such writs, process and orders as may be necessary or proper for the purpose of the jurisdiction herein conferred upon it.

Provided, that in rendering judgments en banc, the court shall conform, as far as practicable, to the rules and practice of the Supreme Court.

ART. 137. There shall be one clerk for the Civil District Court, who shall be elected by the voters of said parish for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law; he shall furnish bond in the sum of twenty thousand dollars, which bond shall be examined by the court, and all testimony given in such examination shall be reduced to writing and filed of record in the court. He shall charge and collect the fees prescribed by the General Assembly, and shall dispose of the same as hereinafter provided; the amount of his compensation shall be three thousand six hundred dollars per annum.

Said clerk shall be authorized, with the approval of the judges of the Civil District Court, to appoint deputies and other assistants; and he may remove them at pleasure, or the court may remove them. Each judge of the Civil District Court shall appoint one minute clerk, who shall be sworn as deputy clerk, and shall receive an annual salary of eighteen hundred dollars in equal monthly installments.

The minute clerk appointed by the judge of the Civil District Court longest in continuous service in said court, as hereinabove provided, shall be ex-officio minute clerk of the court when sitting en banc, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The clerk of the Civil District Court shall be removable by the judges of said court sitting en banc, upon proof, after trial, without a jury, of gross or continued neglect, incompetency, or unlawful conduct, operating injury to the court or to any individual, and a majority of said judges shall be competent to render judgment in the case. Such trial and the lodging of complaints leading thereto, shall be regulated by rules which shall be adopted by the judges of the Civil District Court and of the Criminal District Court in joint session.

ART. 138. The Civil District Court shall select a solvent, incorporated bank in New Orleans as a judicial depository, in which, unless otherwise ordered by the court, shall be deposited all money as soon as the same shall come into the hands of the clerk or sheriff, and such deposits shall not be removed in whole or in part without an order from the judge seized with jurisdiction.

ART. 139. The Criminal District Court shall have exclusive original jurisdiction for the trial and punishment of all offenses when the penalty of death, imprisonment at hard labor or imprisonment without hard labor for any time exceeding six months, or a fine exceeding three hundred dollars may be imposed, and appellate jurisdiction in all cases tried before the City Criminal Courts, or Recorders' Courts of New Orleans, which cases shall be appealable on the law and the facts, and shall be tried on the record and the evidence as made and offered in the lower court. Said court shall have general criminal jurisdiction extending to all cases arising in the Parish of Orleans, the jurisdiction of which is not vested by law or by this Constitution in some other court. Said court shall have general and supervisory jurisdiction over all inferior State and municipal criminal courts in the Parish of Orleans, and shall have authority to issue writs of habeas corpus, in criminal and quasi-criminal cases, and such other writs and orders as may be necessary or proper in aid of the jurisdiction conferred upon it; and to adopt rules not in conflict with law, regulating the order of preference, and proceedings in the trial of cases, and the method of allotting or assigning such cases, and of re-allotting and re-assigning them, in case of vacancy in the office, recusation, absence or disability of one or more of the judges, or in case such action is deemed necessary for the proper administration of justice. All prosecutions instituted in, and all cases appealed to said Criminal District Court shall be equally allotted or assigned by classes among the judges, and each judge, or his successor, shall have exclusive control over any case allotted or assigned to him, from its inception to its final determination in said court, except as herein otherwise provided.

There shall be one clerk of the Criminal District Court, who shall be elected by the voters of the Parish of Orleans, for the term of four years. His qualifications and duties, except as herein provided, shall be as fixed by law. He shall furnish bond in the sum of ten thousand dollars, which bond shall be examined by the court, in like manner as the bond of the clerk of the Civil District Court. He shall receive an annual salary of three thousand dollars which shall be paid by the City of New Orleans, in equal monthly installments and he shall receive no other compensation. He shall appoint, with the approval of the court, such deputies, at such salaries, as may be fixed by law. Said deputies may be removed at the pleasure of the clerk of the court, and their salaries shall be paid by the City of New Orleans.

Each judge of said court shall appoint a minute clerk, who shall be sworn as a deputy clerk, and shall receive an annual salary of eighteen hundred dollars, which shall be paid by the City of New Orleans, in the same manner as the salary of the clerk. One of the said minute clerks, to be designated by the judge longest in continuous service in said court, shall be ex-officio minute clerk of said court when sitting en banc, and shall receive, as additional compensation, three hundred dollars per annum, which shall be paid in like manner as his other compensation. The said clerk shall be removable by the judges of the Criminal District Court for the causes, and in the manner prescribed for the removal of the clerk of the Civil District Court. . . . . .

ART. 140. There shall be in the City of New Orleans two inferior criminal courts, to be known respectively as the First City Criminal Court of the City of New Orleans, and the Second City Criminal Court of the City of New Orleans, each of which shall be presided over by one judge, and which shall have jurisdiction within the territory hereinafter prescribed, for the trial without jury and the punishment of all offenses against the State where the penalty does not exceed six months' imprisonment in the parish jail or a fine of $300, or both; in all other cases the judges of said courts shall have jurisdiction as committing magistrates, with authority to commit, bail or discharge.

The territorial jurisdiction of the First City Criminal Court shall extend over the First, Fourth, Sixth and Seventh municipal districts of New Orleans; and the Second City Criminal Court over the Second, Third and Fifth municipal districts of said city. In case of vacancy in the office, recusation, disability or absence with or without leave, of either of said judges, it shall be the duty of the other judge to issue warrants of arrest for the apprehension of parties accused within the jurisdiction of the judge he replaces, and to make any order of commitment or admitting to bail that may be necessary and proper and might, in due course, have been made by the judge within whose jurisdiction the offense was committed. And in case of such vacancy, recusation, absence or disability of one of said judges, on motion of the prosecuting officer, or of the accused or his counsel, the other judge, acting within his discretion, may proceed to try and discharge or convict and sentence parties accused of offenses charged to have been committed within the jurisdiction of the court wherein the vacancy exists, or whereof the judge is recused, absent or disabled. In like manner, acting also within his discretion, upon formal application made, he may, as committing magistrate, examine and discharge, bail or commit parties accused of offenses charged to have been committed within the territorial jurisdiction of the other City Criminal Court. In all such cases it shall be lawful for the judge assuming jurisdiction under the provisions of this paragraph to issue warrants of arrest, make preliminary orders and have the accused brought before him, although sitting in his own court; or he may, in his discretion, occupy the bench of the judge he replaces. Said judges shall be elected by the voters of the City of New Orleans, at large, for the term of four years, at the parochial and municipal election. They shall be learned in the law and shall have resided and practiced as attorneys in the City of New Orleans for not less than three years before their election or appointment. The judges of said courts shall each receive a yearly compensation of $3,000, payable monthly on his own warrant. Each judge shall appoint a clerk and such deputies as may be authorized by law, at salaries not exceeding $1,200 per annum, except one deputy, who shall be a stenographer, and who may receive

a salary not exceeding $1,500 per annum, to be paid in monthly installments by the City of New Orleans.

ART. 141. The General Assembly shall provide for Recorders' Courts in the City of New Orleans, to be presided over by magistrates, who need not be attorneys at law, but such courts shall have no jurisdiction except for the trial of offenses against city ordinances.

ART. 142. There shall be a civil and a criminal sheriff for the Parish of Orleans, who shall be elected by the voters of said parish for the term of four years. Their qualifications and duties other than as herein provided, shall be prescribed by law. Each of said sheriffs shall execute an official bond, the civil sheriff in the sum of fifty thousand dollars, and the criminal sheriff in the sum of ten thousand dollars; and the bonds of said sheriffs respectively shall be examined in open court by the judges of the District Court which he serves, and all testimony given in such examinations shall be reduced to writing and made of record in said court. The civil sheriff shall be executive officer of all the Civil Courts in the Parish of Orleans, except the City Courts; and the criminal sheriff shall be the executive officer of all the Criminal Courts in said parish.

The civil sheriff shall appoint as many deputies as in his opinion are needed for the efficient discharge of the duties of his office. The Court of Appeal for the Parish of Orleans and each judge of the Civil District Court shall name one deputy to be so appointed, who shall serve as crier in said court, and in the divisions presided over by said judges respectively, and who shall each receive a salary of six hundred dollars per annum to be paid by the sheriff. When not engaged in court they shall perform such duties as the sheriff may require.

The civil sheriff shall receive as compensation such fees as may be now or hereafter allowed by law, and shall pay his deputies and all expenses of his office.

In cases where the said sheriff is a party in interest, one of his deputies shall act.

The criminal sheriff shall receive an annual salary of three thousand six hundred dollars per annum, which shall be paid by the City of New Orleans in equal monthly installments, and he shall receive no other compensation; he shall appoint, with the approval of the judges of the Criminal District Court for the Parish of Orleans, as many deputies as in the opinion of said judges are needed for the efficient discharge of the duties of his office and the salaries of such deputies shall be fixed by the Council of the City of New Orleans, and paid in like manner as his own. Each judge of said Criminal District Court shall name one deputy to be so appointed, who shall serve as crier in the sections presided over by the judges respectively, and shall each receive a salary of one thousand dollars per annum. When not engaged in court they shall perform such other duties as the sheriff may require.

The criminal sheriff shall account to and settle with the City of New Orleans for all fines and judgments collected by him, without deductions of any kind, and all expenses of his office shall be borne by said corporation.

ART. 143. There shall be a First City Court in New Orleans, composed of three judges, each of whom shall receive a salary of twenty-four hundred dollars per annum, payable monthly on his own warrant. Said court shall have exclusive original jurisdiction when the defendant resides in that part of the City of New Orleans on the left bank of the Mississippi river, in all cases when the amount in dispute or the fund to be distributed does not exceed one hundred dollars exclusive of interest, including suits for the ownership or possession of movable property not exceeding that amount in value; and suits by landlords for possession of leased premises when the monthly or yearly rent, or the rent for the unexpired term of the lease does not exceed that amount.

The judges of said court shall have authority to issue marriage licenses, and celebrate marriages, subject to such conditions as may be imposed by law, and to execute commissions to take testimony, and to receive therefor the fees allowed by law; they shall adopt rules not in conflict with law for the fixing and trial of cases, and shall sit *en banc*, for the purpose of examining the

bonds of the clerk and constable of said court, and for the trial and removal of said officers, or either of them, in which proceedings they shall be governed by the provisions of this Constitution as far as they are applicable upon the subject of the bond and of the trial and the removal from office of the clerk of the Civil District Court.

The City of New Orleans shall provide suitable accommodations for said court, and cases filed in said court shall be allotted equally to the judges thereof. The pleadings in said court shall be in writing, prepared by the litigants, or their attorneys or by the clerk.

ART. 144. There shall be one clerk for said First City Court of New Orleans, who shall furnish bond in the sum of five thousand dollars; his qualifications and duties, except as herein provided, shall be determined by law; his salary shall be eighteen hundred dollars per annum, payable monthly. Each judge shall have the appointment of one deputy clerk, whose compensation shall not exceed twelve hundred dollars per annum. The clerk shall appoint such other deputies as may be authorized by law, provided that their total compensation shall at no time exceed the sum of eighteen hundred dollars per annum, unless ordered by the judges of the Civil District Court for the Parish of Orleans as hereinafter provided.

ART. 145. There shall be one constable for said court, who shall furnish bond in the sum of five thousand dollars, and who shall appoint such deputies as may be necessary, and at such salaries as he may fix and pay. Said deputies shall be removed at his pleasure, or at the pleasure of the court. His compensation shall be the fees of his office as now or hereafter fixed by law; he shall furnish and pay one deputy to attend the sittings of each judge, who shall have the selection of such deputy and who, when not engaged in court, shall perform such other duties as the constable may direct.

The clerk of the said court and the constable thereof shall be removable by the judges of said court sitting *en banc*, for the causes, and in the manner prescribed for the removal of the clerk of the Civil District Court, conformably to rules to be adopted by said judges, and subject to an appeal to the Court of Appeals for the Parish of Orleans.

ART. 146. The judges, clerk and constable of said court shall be elected for the term of four years by the qualified voters of the City of New Orleans on the left bank of the Mississippi river.

ART. 147. There shall also be a Second City Court in the City of New Orleans, on the right bank of the Mississippi river, now known as the Fifth District of the City of New Orleans; and said court shall have the same jurisdiction as the First City Court in all cases where the defendant resides in the Fifth District. There shall be one clerk for said City Court, who shall receive a salary of twelve hundred dollars per annum, payable monthly out of the fund hereinafter provided. There shall be a constable for said court, whose compensation shall be the fees of his office, as may be now or hereafter fixed by law. The judge of said court shall have the same qualifications and authority as the judges of the First City Court, and shall receive the same compensation. Said judge, clerk and constable shall be elected by the qualified voters of said Fifth District of the City of New Orleans, for the term of four years. The clerk and constable shall each furnish bond in the sum of one thousand dollars, to be approved by the judge of the court; and they shall be removable by the judge of said court after due trial, subject to an appeal to the Court of Appeal for the Parish of Orleans.

ART. 148. There shall be a District Attorney for the Parish of Orleans, who shall be elected by the voters of the said Parish for the term of four years, and who shall receive an annual salary of ten thousand dollars, forty-six hundred dollars of which shall be paid by the State of Louisiana, in equal monthly installments, and the balance of fifty-four hundred dollars shall be paid by the City of New Orleans, in equal monthly installments; he shall receive no other compensation. He shall be a licensed attorney and shall perform such duties as are now prescribed by law, or may hereafter be prescribed by the General Assembly, and shall take no outside practice. He may appoint and remove at his discretion such assistants, who shall be licensed

ttorneys, and such clerks, stenographers and special officers as may be pro-vided by the Commission Council of the City of New Orleans, and at such salaries and terms of payment as the said Commission Council may ordain.[8]

ART. 149. There shall be a register of conveyances and a recorder of mort-gages for the Parish of Orleans, who shall be elected by the voters of said arish for the term of four years. Their qualifications and duties shall be as fixed by law; the register of conveyances shall furnish bond in the sum of fifteen thousand dollars, and the recorder of mortgages in the sum of twenty-ive thousand dollars, which said bonds shall be examined by the judges of he Civil District Court, and all testimony given in said examinations shall be educed to writing and filed in the court; they shall appoint such deputies nd at such salaries as are now authorized by law, or as hereinafter provided. They shall be governed, with respect to the fees and expenses of their offices, he manner of their compensation and their obligations with regard to account-ng and settling, as hereinafter prescribed. The compensation of the register f conveyances shall be twenty-five hundred dollars per annum, and that of he recorder of mortgages shall be four thousand dollars per annum.

ART. 150. The successors to the two judges of the Civil District Court nd the one judge of the Criminal District Court elected in 1904 shall be lected at the Congressional Election in 1916; and the successors to the three ther judges of the Civil District Court and the one judge of the Criminal istrict Court elected in 1912 shall be elected at the Congressional election n 1924, and shall each assume office on the first Monday of January fol-owing.

ART. 151. The recorders of the City of New Orleans who may be serving t the time of the adoption of this Constitution, shall, unless removed for ause, continue in the exercise of their functions and jurisdiction, conformably o existing laws, until otherwise provided.

ART. 152. The election of judges and other officers for the Parish of rleans and City of New Orleans, herein provided for, the time of which is ot specially fixed, shall be held at the time of the parochial and municipal lections.

ART. 153. Until otherwise provided by law, the costs to be paid clerks, heriffs, constables, recorder of mortgages and register of conveyances, shall be s now fixed, except that in no case shall the costs of filing appeals from the ity Courts exceed the sum of five dollars.

ART. 154. The Clerk of the Civil District Court, Register of Conveyances, nd Recorder of Mortgages for the Parish of Orleans, and the Clerks of the ity Courts of New Orleans, shall keep accurate and detailed accounts in books o be used for that purpose, of all fees collected in their offices respectively, nd they shall furnish daily to the Commissioner of Public Finance transcripts f the said accounts duly certified by them or by their authority, and said fficers shall also daily pay into the treasury of the City of New Orleans the hole amount of fees so collected which shall constitute the Judicial Expense und of the Parish of Orleans, and their salaries and those of their deputies as ell as the expenses of their respective offices shall be paid therefrom, upon arrant signed by the presiding judge of the Civil District Court.

ART. 155. The control of the excess of the said Judicial Expense Fund f the Parish of Orleans, after paying the salaries hereinabove provided for nd the salaries of such additional deputy clerks as may be authorized under he authority of the Court, and the expenses of the offices mentioned herein-efore shall be vested in the judges of the Civil District Court for the Parish f Orleans.

[8]Amendment proposed by the general assembly of 1916 and ratified at the election f November 7, 1916. The text of the original Article is as follows:

ART. 148. There shall be a District Attorney for the Parish of Orleans, who hall be elected by the voters of said parish for the term of four years, and shall eceive an annual salary of one thousand dollars, and such fees as may be allowed y law; but no fees shall be allowed in criminal cases except upon conviction. He hall be a licensed attorney, and may appoint two assistants with like qualifications, t salaries not to exceed eighteen hundred dollars per annum. He shall appoint such ther assistants as may be required, at salaries to be fixed and paid by him.

ART. 156. There shall be no increase in the number of employees now authorized by law in the offices of the Recorder of Mortgages, the Register of Conveyances or the clerks of the City Courts, nor in their salaries, unless so ordered by the Civil District Court sitting *en banc*, and the number of employees of the clerk of the Civil District Court and their salaries shall be determined by a majority of the judges thereof.

ART. 157. Vacancies occurring from any cause in any of the judicial offices of the Parish of Orleans or the City of New Orleans or in any elective office in the Parish of Orleans, where the unexpired term is for a longer period than one year, shall be filled by a special election to be called by the proper legal authority and held within sixty (60) days of the occurrence of the vacancy, under the general election laws of this State. Where the unexpired portion of the term is less than one year the vacancy shall be filled for the remainder of the term by the Governor with the advice and consent of the Senate.

ART. 158. The fact that the officers and deputies herein provided for are paid by the City of New Orleans shall not make them officers or employes thereof.

GENERAL PROVISIONS.

ART. 159. The General Assembly shall grade all misdemeanors and minor offenses against the State, and shall fix the minimum and maximum penalties therefor.

ART. 160. No person shall be permitted to act as a juror, who, in due course of law, shall have been convicted of treason, perjury, forgery, bribery or other crime punishable by imprisonment in the penitentiary, or who shall be under interdiction.

ART. 161. Members of the General Assembly and all officers, before entering upon the duties of their respective offices, shall take the following oath or affirmation:

"I (A. B.) do solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of this State; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as————————, according to the best of my ability and understanding. So help me God."

ART. 162. The seat of government shall be and remain at the City of Baton Rouge.

ART. 163. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.

ART. 164. No member of Congress, nor person holding or exercising any office of trust or profit under the United States, or any State, or under any foreign power, shall be eligible as a member of the General Assembly, or hold or exercise any office of trust or profit under the State.

ART. 165. The laws, public records, and the judicial and legislative written proceedings of the State, shall be promulgated, preserved and conducted in the English language; but the General Assembly may provide for the publication of the laws in the French language and provide that judicial advertisements, in certain designated cities and parishes, shall also be made in that language.

ART. 166. No ex-post facto law, nor any law impairing the obligations of contracts, shall be passed, nor vested rights be divested, unless for purposes of public utility, and for adequate compensation previously made.

ART. 167. Private property shall not be taken nor damaged for public purposes without just and adequate compensation being first paid.

ART. 168. No power of suspending the laws of this State shall be exercised unless by the General Assembly, or by its authority.

ART. 169. The General Assembly shall provide by law for change of venue in civil and criminal cases.

ART. 170. No person shall hold or exercise, at the same time, more than one office of trust or profit, except that of justice of the peace or notary public.

ART. 171. The General Assembly may determine the mode of filling vacancies in all offices, for the filling of which provision is not made in this Constitution.

ART. 172. All officers, except in case of impeachment or suspension, shall continue to discharge the duties of their offices until their successors shall have been inducted into office.

ART. 173. The military shall be in subordination to the civil power, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner.

ART. 174. The General Assembly shall make it obligatory upon every parish to support all infirm, sick, and disabled paupers residing within its limits; provided, that every municipal corporation to which the powers of the police jury do not extend, shall support its own infirm, sick and disabled paupers.

ART. 175. No soldier, sailor, or marine, in the service of the United States, shall acquire a domicile in this State by reason of being stationed or doing duty in the same.

ART. 176. It shall be the duty of the General Assembly to pass such laws as may be proper and necessary to decide differences by arbitration.

ART. 177. The power of the courts to punish for contempt shall be limited by law.

ART. 178. Lotteries, and the sale of lottery tickets, are prohibited in this State.

ART. 179. In all proceedings or indictments for libel, the truth thereof may be given in evidence. The jury in all criminal cases shall be the judges of the law and of the facts on the question of guilt or innocence, having been charged as to the law applicable to the case by the presiding judge.

ART. 180. No officer whose salary is fixed by this Constitution shall be allowed any fees or perquisites of office, except as otherwise provided for by this Constitution.

ART. 181. The regulation of the sale of alcoholic or spirituous liquors is declared a police regulation, and the General Assembly may enact laws regulating their sale and use.

ART. 182. No person who, at any time, may have been a collector of taxes, whether State, parish, or municipal, or who may have been otherwise entrusted with public money, shall be eligible to the General Assembly, or to any office of honor, profit, or trust, under the State government, or any parish, or municipality thereof, until he shall have obtained a discharge for the amount of such collections, and for all public money with which he may have been entrusted; and the General Assembly is empowered to enact laws providing for the suspension of public officials charged with the collection of public money, when such officials fail to account for same.

ART. 183. Any person who shall, directly or indirectly, offer or give any sum, or sums of money, bribe, present, reward, promise, or any other thing to any officer, State, parochial, or municipal, or to any member or officer of the General Assembly, with the intent to induce or influence such officer, or member of the General Assembly, to appoint any person to office, to vote or exercise any power in him vested, or to perform any duty of him required, the person giving or offering to give, and the officer, or member of the General Assembly, so receiving any money, bribe, present, reward, promise, contract, obligation, or security, with the intent aforesaid, shall be guilty of bribery, and on being found guilty thereof by any court of competent jurisdiction, or by either House of the General Assembly of which he may be a member or officer, shall be forever disqualified from holding any office, State, parochial, or municipal, and shall be forever ineligible to a seat in the General Assembly; provided, that this shall not be so construed as to prevent the General Assembly from enacting additional penalties.

ART. 184. Any person may be compelled to testify in any lawful proceeding against any one who may be charged with having committed the offense of bribery and shall not be permitted to withhold his testimony upon the ground that it may incriminate him or subject him to public infamy; but such testi-

mony shall not afterwards be used against him in any judicial proceedin
except for perjury in giving such testimony.

ART. 185. The General Assembly shall pass laws to protect laborers
buildings, streets, roads, railroads, canals, and other similar works, against t
failure of contractors and sub-contractors to pay their current wages when d
and to make the corporation, company, or individual, for whose benefit t
work is done, responsible for their ultimate payment.

ART. 186. No mortgage or privilege on immovable property shall affe
third persons, unless recorded or registered in the parish where the proper
is situated, in the manner and within the time as is now or may be prescrib
by law, except privileges for expenses of last illness and privileges for tax
State, district, parish, ward or municipal; provided, such tax liens, mortgag
and privileges, shall lapse in three years from the 31st day of December,
the year in which the taxes are levied, and whether now or hereafter recorde

ART. 187. Privileges on movable property shall exist without registrati
of the same, except in such cases as the General Assembly may prescribe
law.

ART. 188. Gambling is a vice, and the General Assembly shall pass laws
suppress it.

ART. 189. The pernicious practice of dealing or gambling in futures
agricultural products or articles of necessity, where the intention of the parti
is not to make an honest and bona fide delivery, is declared to be against publ
policy; and the General Assembly shall pass laws to suppress it.

ART. 190. It shall be unlawful for persons or corporations, or their leg
representatives, to combine or conspire together, or to unite or pool their inte
ests for the purpose of forcing up or down the price of any agricultural produ
or article of necessity, for speculative purposes; and all combinations, trusts,
conspiracies in restraint of trade or commerce, and all monopolies or combin
tions to monopolize trade or commerce, are hereby prohibited in the State
Louisiana, and it shall be the duty of the Attorney General, of his own motio
or any District Attorney of the State, when so directed by the Governor or t
Attorney General, to enforce this provision, by injunction or other legal pr
ceedings, in the name of the State of Louisiana, and particularly by suits f
the forfeiture of the charters of offending corporations, incorporated under t
laws of the State of Louisiana, and for the ouster from the State of foreig
corporations. Provided, however, that nothing herein contained shall preve
the Legislature from providing additional remedies for the enforcement of th
article.

The provisions of this article are self-operative.

ART. 191. No member of the General Assembly, or public officer, or pers
elected or appointed to a public office under the laws of this State, shall direct
or indirectly, ask, demand, accept, receive, or consent to receive, for his ow
use or benefit, or for the use or benefit of another, any free pass, free transport
tion, franking privilege, or discrimination in passenger, telegraph, or telephon
rates, from any person or corporation, or make use of the same himself or i
conjunction with another.

Any person who violates any provision of this Article shall forfeit his offic
at the suit of the Attorney-General, or the District Attorney, to be brought at t
domicile of the defendant, and shall be subject to such further penalty as ma
be prescribed by law.

Any corporation, or officer, or agent thereof, who shall give, or offer,
promise, to a public officer any such free pass, free transportation, frankin
privilege, or discrimination, shall be liable, to punishment for each offense b
a fine of five hundred dollars, to be recovered at the suit of the Attorney-Genera
or District Attorney, to be brought at the domicile of the officer to whom suc
free pass, free transportation, franking privilege, or discrimination, was give
offered, or promised.

No person, or officer, or agent, of a corporation, giving any such free pas
free transportation, franking privilege, or discrimination, hereby prohibited, sha
be privileged from testifying in relation thereto; but he shall not be liable t

civil or criminal prosecution therefor, if he shall testify to the giving of the same.

ART. 192. Whenever the General Assembly shall authorize a suit against the State it shall provide in the act authorizing the same, that such suit be instituted before the District Court at the State Capital; that citation to answer such suit shall be served both upon the Governor and the Attorney-General; that the Supreme Court of the State shall have appellate jurisdiction in such suit, without regard to the amount involved; that the only object of such suit, and the only effect of the judgment therein, shall be a judicial interpretation of the legal rights of the parties for the consideration of the General Assembly in making appropriations; that the burden of proof shall rest upon the plaintiff or claimant to show that the claim sued upon is a legal and valid obligation of the State, incurred in strict conformity to law, not in violation of the Constitution of the State or of the United States, and for a valid consideration, and that all these things shall be affirmatively declared by the Supreme Court before any judgment is recognized for any purpose against the State.

ART. 193. Prescription shall not run against the State in any civil matter, unless otherwise provided in this Constitution, or expressly by law.

ART. 194. There shall be appointed by the Governor, by and with the advice and consent of the Senate, an Examiner of State Banks, who shall be an expert accountant, and who shall make examinations of all State banks at least twice in every year. His term of office shall be four years and the Legislature shall define his duties and fix his compensation.

ART. 195. The New Basin Canal and Shell Road, and their appurtenances, shall not be leased, nor alienated, nor shall the Carondelet Canal and Bayou St. John, and their appurtenances, be leased, or alienated when they shall come into the possession of the State.

ART. 196. The General Assembly may authorize the employment under State supervision and the proper officers and employees of the State, of convicts on public roads or other public works, or convict farms, or in manufactories owned or controlled by the State, under such provisions and restrictions as may be imposed by law, and shall enact laws necessary to carry these provisions into effect; and no convict sentenced to the State penitentiary shall ever be leased, or hired to any person, or persons, or corporation, private or public, or quasi-public, or board, save as herein authorized.

SUFFRAGE AND ELECTIONS.

ART. 197. Every male citizen of this State and of the United States, native born or naturalized, not less than twenty-one years of age, and possessing the following qualifications, shall be an elector and shall be entitled to vote at any election in the State by the people except as may be herein otherwise provided.

SEC. 1. He shall have been an actual bona-fide resident of this State for two years, of the parish one year and of the precinct in which he offers to vote six months next preceding the election; provided, that removal from one precinct to another in the same parish shall not operate to deprive any person of the right to vote in the precinct from which he has removed, until six months after such removal.

SEC. 2. He shall have been at the time he offers to vote, legally enrolled as a registered voter on his personal application in accordance with the provisions of this Constitution, and the laws enacted thereunder.

SEC. 3. He shall be able to read and write, and shall demonstrate his ability to do so when he applies for registration, by making, under oath, administered by the registration officer or his deputy, written application therefor, in the English language, or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated and signed by him, in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, except the form of application herein-

after set forth: provided, however, that if the applicant be unable to write h application in the English language, he shall have the right, if he so demand to write the same in his mother tongue from the dictation of an interpreter; a if the applicant is unable to write his application by reason of physical di ability, the same shall be written at his dictation by the registration offic or his deputy, upon his oath of such disability. The application for registratio above provided for, shall be a copy of the following form, with the prop names, dates and numbers substituted for the blanks appearing therein, to-wi

I am a citizen of the State of Louisiana. My name is_____. I was born in the State (or country) of_____, Parish (county), of_____, on the_____day of_____, in the year_____. I am now_____years, _____months and _____days of age. I have reside in this State since_____, in this parish_____, and in Precinct N _____, of Ward No. _____, of this parish, since _____, and I am n disfranchised by any provision of the Constitution of this State.

Sec. 4. If he be not able to read and write, as provided by Section 3 this article, then he shall be entitled to register and vote if he shall, at t time he offers to register be the bona fide owner of property assessed to hi in this State at a valuation of not less than three hundred dollars on t assessment roll of the current year in which he offers to register, or on t roll of the preceding year, if the roll of the current year shall not the have been completed and filed, and on which, if such property be personal onl all taxes due shall have been paid. The applicant for registration under th section shall make oath before the registration officer or his deputy, that is a citizen of the United States and of this State, over the age of twenty-o years; that he possesses the qualifications prescribed in section one of th article, and that he is the owner of property assessed in this State to him at valuation of not less than three hundred dollars, and if such property personal only, that all taxes due thereon have been paid.

Sec. 5. Or, if possessing the requirements prescribed in Sections 1 and 2 this article, he shall have been registered under Section 5 of Article 197 of t Constitution of 1898, or under the Amendment thereto of 1912.

Art. 198. No person less than sixty years of age shall be permitted vote at any election in the State who shall not in addition to the qualificatio above prescribed, have paid on or before the 31st day of December, of ea year, for the two years preceding the year in which he offers to vote, a p tax of one dollar per annum, to be used exclusively in aid of the public schoo of the parish in which such tax shall have been collected; which tax is here imposed on every male resident of this State, between the ages of twenty-o and sixty years. Poll taxes shall be a lien only upon assessed property, and process shall issue to enforce the collection of the same except against assess property.

Every person liable for such tax shall, before being allowed to vote, exhi to the Commissioners of Election his poll tax receipts for two years, issu on the official form, or duplicates thereof, in the event of loss, or proof payment of such poll taxes may be made by a certificate of the tax collect which shall be sent to the Commissioners of the several voting precincts, sho ing a list of those who have paid said two years' poll taxes as above provide and the dates of payment. It is hereby declared to be forgery, and punishab as such, for any tax collector or other person to antedate, or alter, a poll t receipt. Any person who shall pay the poll tax of another or advance h money for that purpose, in order to influence his vote, shall be guilty bribery and punished accordingly. The provisions of this article as to t payment of poll taxes shall not apply to persons who are deaf and dumb, blind, nor to persons under twenty-three years of age, who have paid all p taxes assessed against them.

Art. 199. Upon all questions submitted to the taxpayers as such, of a municipal or other political subdivision of this State, the qualifications of such taxpayers, as voters, shall be those of age and residence prescribed by th Constitution, and women taxpayer shall have the right to vote at all such ele

tions, without registration, in person or by their agents, authorized in writing; but all other persons voting at such elections shall be registered voters.

ART. 200. No person shall vote at any primary election or in any convention or other political assembly held for the purpose of nominating any candidate for public office, unless he is at the time a registered voter. And in all political conventions in this State the apportionment of representation shall be on the basis of population.

ART. 201. Any person possessing the qualifications prescribed by Sections 3, 4 or 5 of Article 197 of this Constitution, who may be denied registration, shall have the right to apply for relief to the District Court having jurisdiction of civil causes for the parish in which he offers to register, and the party cast in said suit shall have the right of appeal to the Supreme Court; and any citizen of the State shall have a like right to apply to said courts, to have stricken off any names illegally placed on said registration rolls under Sections 3, 4 or 5 of Article 197, and such applications and appeals shall be tried by said courts by preference, in open court or at chambers. The General Assembly shall provide by law for such applications and appeals without cost, and for the prosecution of all persons charged with illegal or fraudulent registration or voting, or any other crime or offense against the registration or election or primary election laws.

ART. 202. The following persons shall not be permitted to register, vote or hold any office or appointment of honor, trust or profit in this State, to-wit: Those who have been convicted of any crime punishable by imprisonment in the penitentiary, and not afterwards pardoned with express restoration of franchise; those who are inmates of any charitable institution, except the Soldiers' Home; those actually confined in any public prison; all interdicted persons, and all persons notoriously insane or idiotic, whether interdicted or not.

ART. 203. In all elections by the people the electors shall vote by ballot, and the ballots cast shall be publicly counted. In all elections by persons in a representative capacity, the vote shall be *viva-voce*.

ART. 204. Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from the same.

ART. 205. The General Assembly shall by law forbid the giving or selling of intoxicating drinks, on the day of any election, or primary election, within one mile of any polling place.

ART. 206. Until otherwise provided by law, the general State election shall be held once every four years on the Tuesday next following the third Monday in April.

Presidential electors and members of Congress shall be chosen or elected in the manner and at the time prescribed by law.

ART. 207. Parochial elections, except in the city of New Orleans, shall be held on the same day as the general State election, and not oftener than once in four years.

In the City of New Orleans parochial and municipal elections shall be held on the Tuesday following the first Monday of November, 1916, and of every fourth year thereafter, but the General Assembly may change the date of said election, provided that the parochial and municipal elections shall be held together and shall always be on a day separate and apart from the General State Election and not oftener than once in four years. The municipal and parochial officers in the City of New Orleans shall take their offices on the first Monday in the month of December following their election, until otherwise provided by law.

ART. 208. For the purpose of voting, no person shall be deemed to have gained a residence, by reason of his presence, or to have lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States; or while engaged in the navigation of the waters of the state; or of the United States; or of the high seas; or while a student of any institution of learning.

ART. 209. The General Assembly shall provide by law for the trial and determination of contested elections of all public officers, whether State, judicial,

parochial or municipal (except Governor and Lieutenant Governor), which trials shall be by the courts of law and at the domicile of the party defendant.

ART. 210. No person shall be eligible to any office, State, judicial, parochial, municipal or ward, who is not a citizen of this State and a duly qualified elector of the State, district, parish, municipality or ward, wherein the functions of said office are to be performed, provided, however, that the appointment or election to office of factory inspectors, of either male or female persons, shall be allowed. And whenever any officer, State, judicial, parochial, municipal or ward, may change his residence from this State, or from the district, parish, municipality or ward in which he holds such office, the same shall thereby be vacated, any declaration of retention of domicile to the contrary notwithstanding.

ART. 211. Returns of elections for all civil officers who are to be commissioned by the Governor shall be made to the Secretary of State, unless otherwise provided in this Constitution.

ART. 212. All elections by the people, except primary elections and municipal elections in towns having a population of less than twenty-five hundred, when such elections are not held at the same time as general State elections, shall be by official ballot, printed and distributed at the expense of the State; and, until otherwise provided by law, such ballots shall have printed thereon, and at the head and immediately preceding the list of names of the candidates of each political party or nominating paper, a specific and separate device by which the political party and the candidates of such political party or nominating paper may be indicated. By stamping such device at the head of the list of candidates of each political party, or nominating paper, the voter may indicate that his vote is for the entire or straight ticket of the particular party or nominating paper employing the particular device allotted to such political party, or nominating paper. When the voter does not desire to vote an entire straight party ticket, he may vote for candidates of any political party or nominating paper, by stamping a blank space to be left opposite the name of each candidate on said official ballot.

The General Assembly shall provide some plan by which the voters may prepare their ballots in secrecy at the polls. This article shall not be construed so as to prevent the names of independent candidates from being printed on the ballots with a device; and names of candidates may be written on the ballot. These provisions shall not apply to elections for the imposition of special taxes, for which the General Assembly shall provide special laws.

ART. 213. Electors shall not be registered within thirty days next preceding an election at which they may offer to vote, but applications to the courts and appeals may be heard and determined, and revision take place at any time prior to the election, and no person who, in respect to age and residence, would become entitled to vote within the said thirty days, shall be excluded from registration on account of his want of qualifications at the time of his application for registration.

ART. 214. The General Assembly shall provide for the registration of voters throughout the State.

ART. 215. The General Assembly shall enact laws to secure fairness in party primary elections, conventions, or other methods of naming party candidates.

ART. 216. In the trial of contested elections and in proceedings for the investigation of elections, and in all criminal trials under the election laws, no person shall be permitted to withhold his testimony on the ground that he may incriminate himself or subject himself to public infamy, but such testimony shall not be used against him in any judicial proceedings except for perjury in giving such testimony.

IMPEACHMENT AND REMOVAL FROM OFFICE.

ART. 217. The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, Superintendent of Public Education, Railroad Commissioners, and all elective officers for whose removal provision is not otherwise

made in this Constitution, and the Justices and Judges of all the Courts of Record in this State, shall be liable to impeachment for high crimes and misdemeanors, for nonfeasance or malfeasance in office, for incompetency, for corruption, favoritism, extortion or oppression in office, or for gross misconduct, or habitual drunkenness.

ART. 218. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the Senators present. When the Governor of the State is on trial, the Chief Justice or the senior Associate Justice of the Supreme Court shall preside.

The Senate may adjourn the trial of any impeachment from time to time, as it may deem proper, and may sit for the purpose of such trial whether the House of Representatives be in session or not.

Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit, under the State, but the party, whether convicted or acquitted, shall nevertheless be liable to prosecution, trial and punishment according to law.

ART. 219. All officers against whom articles of impeachment are preferred, except the Governor or acting Governor, shall be suspended from office during the pendency of such impeachment, and excepting as otherwise provided in this Constitution, the appointing power shall make a provisional appointment to replace any suspended officer until the decision of the impeachment.

ART. 220. For any reasonable cause, whether sufficient for impeachment or not, any officer except the Governor or acting Governor, on the address of two-thirds of the members elected to each house of the General Assembly, shall thereby be removed. In every such case, the cause or causes for which such removal may be required shall be stated at length in the address and inserted in the Journal of each House.

ART. 221. For any of the causes specified in this Constitution, Judges of the Courts of Appeal, and of the District Courts throughout the State may be removed from office by judgment of the Supreme Court, which is hereby vested with original jurisdiction to try such cases. The suit for removal may be instituted by the Attorney General or District Attorney, whenever in his opinion sufficient cause exists therefor; and it is hereby made the duty of the attorney General, or District Attorney, to institute such suit whenever instructed in writing by the Governor so to do, or on the written request and information of twenty-five citizens and taxpayers residing within the territorial limits of the district or circuit over which the judge against whom the suit is sought to be brought exercises the functions of his office. Such suits shall be tried after citation and ten days' delay for answering, in preference to all other suits; but the pendency of such suit shall not operate a suspension from office. In all cases where the officer sued as above directed, shall be acquitted, and where the suit is instituted on the request and information of citizens judgment shall be rendered jointly and in solido against the citizens signing the request, for all costs of the suit. Judgments in cases of removal under this Article shall extend not only to removal from office and disqualification from holding any office of honor, trust, or profit, under the State, but also to disqualification for the practice of law, and the party, whether convicted or not, shall nevertheless be liable to prosecution, trial and punishment according to law.

ART. 222. For any of the causes enumerated in Article 217, members of the State Board of Appraisers except the Auditor, and Railroad Commissioners, District Attorneys, Clerks of Court, Sheriffs, Coroners, Justices of the Peace, Judges of the City Courts, and of other inferior courts of the City of New Orleans and elsewhere, and all other parish, municipal and ward officers, may be removed by judgment of the District Court of the domicile of such officer (in the Parish of Orleans, the Civil District Court). The District Attorney may, whenever in his opinion sufficient cause exists therefor, institute such suit, and it shall be his duty (except when the suit is to be brought against himself) to institute such suit on the written request and information of twenty-five

resident citizens and taxpayers, in the case of members of the State Board of Appraisers, Railroad Commissioners, district, parish, or municipal officers, and of ten resident citizens and taxpayers in the case of ward officers. Such suit shall be brought against a District Attorney upon such written request and information by the District Attorney of an adjoining district, or by counsel appointed by the judge for that purpose. In all suits instituted under this article the defendant, the State and the citizens and taxpayers, on whose information, and at whose request such suits may have been brought, or any one of them, shall have the right to appeal, both on the law and the facts, from the judgment of the court. In all cases where the officer sued, as above directed, shall be acquitted, judgment shall be rendered jointly and in solido against the citizens signing the request, for all costs of the suit.

In cases against members of the State Board of Appraisers, Railroad Commissioners, District Attorneys, Clerks and Sheriffs, the appeal shall be to the Supreme Court, and in cases against all other officers named in this article the appeal shall be to the Court of Appeal of the proper circuit.

Such appeals shall be returnable within ten days to the appellate court wherever it may be sitting or wherever it may hold its next session, and may be transferred by order of the judges of said court to another parish within their circuit, and such appeals shall be tried by preference over all others. In case of the refusal or neglect of the District Attorney or Attorney General to institute and prosecute any suit provided for in this and the preceding article, the citizens and taxpayers making the request, or any one of them, shall have the right by mandamus to compel him to perform such duty.

The institution and pendency of suits brought under this article shall not operate a suspension of the defendant from office.

ART. 223. SEC. 1. Upon the recommendation of the Auditor or the Police Jury of any Parish, the Governor may suspend any officer charged with the collection or custody of public funds when in arrears.

SEC. 2. Any officer of this State or of any district, judicial or otherwise, and any officer of any parish or ward thereof, and any officer of any municipality or ward thereof (except the judges of all of the courts of record of this State, the judges of the various city courts throughout the State, and the justices of the peace) holding office by virtue of having been elected thereto by the legally qualified voters of this State, or of any district, judicial or otherwise, or of any parish or ward thereof, or of any municipality or ward thereof, shall be subject to recall from such office by the qualified voters of this State, or of any district, judicial or otherwise, or of any parish or ward thereof, or of any municipality or ward thereof, at any election throughout the State, district, judicial or otherwise, or of any parish or ward thereof, or of any municipality or ward thereof, by a majority of the legally qualified voters participating in such election: Such recall election shall be held when petitioned for by such a number of the legally qualified voters of the State, district, judicial or otherwise, or any parish or ward thereof, or of any municipality or ward thereof, as will equal twenty-five per cent of the total number of registered voters qualified to vote at the last preceding general election for the office the incumbent of which is sought to be recalled. Notice of intention to circulate such petition together with a statement of the reasons why the recall of such officers is sought shall be given to such officers in such manner as may be provided by law. The General Assembly shall, by appropriate legislation, prescribe the form of petition, the manner of verification and ascertainment that the requisite number of legally qualified voters has signed same, and also the manner and method of calling such election and the promulgation of the returns thereof. Such ballot shall contain the specific question, "Shall (naming the officer and giving his official title) be recalled," and opposite the question shall be two squares, in one of which shall be printed "Yes" and in the other shall be printed "No," and no ballot shall be considered at such election unless the voter shall have either "yes" or "no" upon such question. No officer shall be subject to recall until after he has been in office one year, and should his recall be defeated by the electors, then he shall not again, during that term of office, be subject to recall. At least three months, but not more than five months, shall

elapse from the time that the necesary number of petitioners has asked for the recall election before same shall be held. A successor for the remainder of the term, to the officer sought to be recalled shall be elected at the same time the recall election is held, and should the majority of the voters participating in such election be in favor of the recall of such officer, then immediately after the promulgation of the returns of such election, the successor so elected shall qualify. The General Assembly shall provide by law how candidates to succeed the officer sought to be recalled may have their names placed on the recall ballot of the State, district, judicial or otherwise, parish or ward thereof, or of any municipality, or ward thereof; by petition signed by qualified voters to the number of not less than twenty-five per cent of the total number of registered voters qualified to vote at the last preceding general election for the office the incumbent of which is sought to be recalled. All voters may express a first choice and a second choice, and the candidate who is the first choice of the greatest number of voters shall be declared to be elected, if the election has resulted in the recall of the officer sought to be recalled. All voters may express a first choice and a second choice, and the candidate who is the first choice of the greatest number of voters shall be declared to be elected, if the election has resulted in the recall of the officer sought to be recalled. The officer sought to be recalled shall not be a candidate at such recall election.[9]

REVENUE AND TAXATION.

ART. 224. The taxing power may be exercised by the General Assembly for State purposes and by parishes and municipal corporations and public boards, under authority granted to them by the General Assembly, for parish, municipal, and local purposes, strictly public in their nature

ART. 225. Taxation shall be equal and uniform throughout the territorial limits of the authority levying the tax, and property shall be taxed in a manner directed by law; provided that the valuation of property for the assessment of State taxes, levied by the General Assembly and by this Constitution, may be different from the valuation fixed for all other purposes; provided, further, the assessment of all property hall never exceed the actual cash value thereof; and, provided, further, that the taxpayers shall have the right of testing the correctness of their assessments before the courts of justice.

ART. 226. There shall be and is hereby created a Board of State Affairs whose duty it shall be to assess, for State purposes, all taxable property throughout the State of Louisiana. It shall have such other authority relative to State assessment, budget, income and expenditure as may be conferred upon it by the General Assembly. The said Board shall be composed of three members, who shall be appointed by the Governor for such terms as may be fixed by the General Assembly. The Board shall enter upon its duties on January 1st, 1917. The General Assembly shall have full authority to define the powers and duties of the Board and to fix the salaries of the members thereof. Act No. 140, of the General Assembly for the year 1916, on this subject matter, shall go into effect as a statute of the State, on the first day of January, 1917.[10]

[9]Amendment proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original Article is as follows:

Art. 223. On the recommendation of the Auditor or the Police Jury of any parish, the Governor may suspend any officer charged with the collection or custody of public funds when in arrears.

[10]Articles 225 and 226 were amended by an act adopted by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original Articles is as follows:

Art. 225. Taxation shall be equal and uniform throughout the territorial limits of the authority levying the tax, and all property shall be taxed in proportion to its value, to be ascertained as directed by law; provided, the assessment of all property shall never exceed the actual cash value thereof; and, provided further, that the taxpayers shall have the right of testing the correctness of their assessments before the courts of justice. In order to arrive at this equality and uniformity, the General Assembly shall provide a system of equality and uniformity in assessments based upon the relative value of property in the different portions of the State. The valuations put upon property for the purposes of State taxation shall be taken as the proper valuation for purposes of local taxation, in every subdivision of the State.

Art. 226. There shall be and is hereby created a State Board of Appraisers,

ART. 227. The taxing power shall be exercised only to carry on and maintain the government of the State and the public institutions thereof, to educate the children of the State, to preserve the public health, to pay the principal and interest of the public debt, to suppress insurrection, to repel invasion or defend the State in time of war, to provide pensions for indigent Confederate soldiers and sailors, and their widows, to establish markers or monuments upon the battlefields of the country commemorative of the services of Louisiana soldiers on such fields, to maintain a memorial hall in New Orleans for the collection and preservation of relics and memorials of the late Civil War, and for levee purposes, as hereinafter provided.

ART. 228. The power to tax corporations and corporate property shall never be surrendered nor suspended by act of the General Assembly.

ART. 229. The General Assembly may levy a license tax and in such case shall graduate the amount of such tax to be collected from persons pursuing the several trades, professions, vocations and callings. All persons, associations of persons and corporations pursuing any trade, profession, business or calling may be rendered liable to such tax, except clerks, laborers, clergymen, school teachers, those engaged in mechanical, agricultural and horticultural pursuits, and manufacturers other than those of distilled alcoholic or malt liquors, tobacco, cigars and cotton seed oil.

Those engaged in the business of severing natural resources, such as timber and minerals, from the soil or water, whether they thereafter convert them by manufacturing or not, may also be rendered liable to a license tax, but in this case the amount to be collected may either be graduated or fixed according to the quantity or value of the product at the place where it is severed.

No political corporation shall impose a greater license tax than is imposed by the General Assembly for State purposes. This restriction shall not apply to dealers in distilled, alcoholic or malt liquors. The General Assembly shall have authority to provide that municipalities levying license taxes equal in amount to those levied by police juries for parochial purposes shall be exempted from the payment of such parochial licenses.

ART. 230. The following shall be exempt from taxation, and no other, viz.: All public property, places of religious worship, or burial, the rectories and parsonages of churches and grounds thereunto appurtenant, used exclusively as residences for the ministers in charge of such churches, all charitable institutions, all buildings and property used exclusively for public monuments or historical collections, colleges and other school purposes, the real and personal estate of any public library, and that of any other library association used by or connected with such library, all books and philosophical apparatus, and all paintings and statuary of any company or association, kept in a public hall; provided, the property so exempted be not leased for purposes of private or corporate profit or income. There shall also be exempt from taxation household property to the value of five hundred dollars. There shall be exempt from taxation for a period of ten years from the date of its completion, any railroad or part of railroad that shall have been constructed and completed subsequently to January 1, 1905, and prior to January 1, 1909. This exemption shall include and apply to all the rights of ways, roadbeds, sidings, rails, and other superstructures upon such rights of ways, roadbeds or sidings; and to all depots, station-houses, buildings, erections and structures appurtenant to such railroads and the operation of the same; but shall not include the depots, warehouses, station-houses and other structures and appurtenances nor the land upon which they are erected at terminal points, and for which franchises have been granted and obtained; whether same remain the property of the present owner or owners, or be transferred or assigned to any corporation or corporations,

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whose duty it shall be to assess the property belonging to corporations, associations, and individuals employed in railway, telegraph, telephone, sleeping car and express business throughout the State of Louisiana, which Board of Appraisers shall be composed of the Auditor and other members corresponding in number to the Congressional Districts of the State, to be elected by the Governor, Lieutenant Governor, Treasurer, Attorney General and Secretary of State, one member from each Congressional District, for the term of four years, and the General Assembly shall fix the compensation of said board.

person or persons whomsoever, and provided further, that this exemption shall not apply to double tracks, sidings, switches, depots or other improvements or betterments, which may be constructed by railroads now in operation within the State, other than extensions or new lines constructed by such railroads. There shall be exempt from all taxation the legal reserve of life insurance companies organized under the laws of this State. The property or real estate belonging to any military organization of the State of Louisiana which is used by the State National Guard or militia for military purposes, such as arsenals or armories, while so used, shall be exempt from taxation. There shall also be exempt from taxation, loans made upon the security of mortgages granted upon real estate situated in this State, as well as the mortgages granted to secure said loans, and the notes, bonds or other written instruments evidencing the said loans, whether in the hands of the mortgagee, or his or their transferees; and all loans made by life insurance companies to their policyholders, upon the sole security of policies held by the borrower in the company making the loans, as well as all notes or other written instruments, evidencing such loans; provided, that in the case of loans upon policies of life insurance, as aforesaid, the rate of interest charged upon such loans does not exceed five per cent (5%) per annum discount.

The capital, surplus and personal estate of every corporation organized after November 23rd, 1912, in this State for the sole purpose of lending money on mortgages on country property situated in Louisiana at a rate of interest not to exceed six per cent (6%) net to the borrower, with power to negotiate and handle bonds and securities issued by the various parishes and local districts and municipalities of the State of Louisiana shall be exempt from taxation for twenty (20) years from the date of the organization of said companies; provided, that said companies shall have a full-paid cash capital stock of not less than $250,000.00; and, provided further, that in case any such corporation shall on any loan charge the borrower more than six per cent. interest, whether by way of commission, discount, or otherwise, it shall forfeit the entire exemption herein granted, and be subject to taxation from the time it makes such loan; and any such corporation handling or negotiating any securities other than those hereinabove mentioned shall incur a like forfeiture.

No such corporation shall have power to receive any money on deposit or to do a banking business of any sort, but all such corporations shall be under the control and supervision of the Examiner of State Banks, whose duty it shall be to report to the Attorney General any violation of the condition of this exemption.

Steamship companies organized as hereinafter set forth, together with their capital stock and all their property, corporeal and incorporeal, shall be exempt from all taxes and licenses, State, parish, levee and municipal, both general and special, exclusive of wharfage, shed or levee dues, for fifteen years from the date of filing with the Secretary of State proof that their authorized capital stock has been paid in full in cash.

No such steamship company shall have the benefit of this Constitutional provision except upon the following conditions:

First—That such company shall have been organized and the whole of its authorized capital stock paid in cash before January 1st, 1916.

Second—That such company shall be domiciled in the City of New Orleans, or in some other part of this State.

Third—That such company shall have a capital stock of at least three million dollars, payable only in cash.

Fourth—That it shall be provided in the charter of the company that no corporation, or firm, or individual shall own or control, either directly or indirectly, more than one-twentieth of the capital stock of the company; and that all pooling agreements and voting trusts between the stockholders to control the corporation shall be absolutely null and void and no stock held in any such pool or voting trust shall ever be voted at any corporate election or meeting.

Fifth—That the capital stock of each company shall be open to public subscription by public advertisement in New Orleans newspapers for at least three

months before the books are closed, and if over-subscribed shall be apportioned among the subscribers.

Sixth—That all vessels operated by said company shall be common carriers on every voyage unless the whole capacity of the ship shall be chartered for a particular voyage or voyages for a particular purpose.

It shall be lawful for companies so organized in addition to the powers now provided by the laws of the State to incorporate into their charters all or any of the following powers:

First—To build, charter or purchase vessels.

Second—To insure goods, wares and merchandise carried in their own bottoms against fire and perils of the sea.

Third—To build, own, rent and operate shipyards, docks, piers, wharves and warehouses for the transaction of their business.

Fourth—To trade with foreign countries, including the foreign possessions of the United States, by exporting cargo carried thereto in their own vessels, and to import from foreign countries, including the foreign possessions of the United States, in their own vessels cargo for sale or exchange in the United States, but no ship of such a company shall be laden with the company's own cargo to the exclusion of cargo offered for such voyage by the general public, and such cargo offered by the general public shall have preference on all voyages for which it is offered.

Fifth—To authorize corporations, foreign and domestic, to subscribe to and own shares of their capital stock, not however in excess of the limitation above provided.

No leased property or chartered ship shall be within the exemption herein granted, nor shall vessels of such corporations operated in the coasting trade of the United States, or operated between ports of the United States, other than Louisiana ports, and foreign countries, not including the foreign possessions of the United States, be within the exemption herein granted. One such voyage in any year shall subject the vessel making the voyage to taxation for that year.

The proof above required to be filed with the Secretary of State that the authorized capital stock has been paid in cash shall be the joint affidavit of the president and secretary of the company to that effect, accompanied by a verified trial balance of the company's books.

Each of said corporations shall possess the power of eminent domain for the purpose of acquiring land on which to erect a plant to build and repair vessels.

There shall be exempt from taxation all money in hand or on deposit; and loans by Homestead Associations or Homestead Societies to their members secured by stock of said Associations or Societies.[11]

There shall be exempt from taxation for ten (10) years from the date of completion, the capital stock, franchises and property of all corporations constructing, owning and operating within the State a combined system of irrigation, navigation and hydro-electric power, using fresh water of Louisiana streams, and water sheds, provided that each system be completed and in operation within five (5) years from January 1, 1915, and provided further that not less than Three Million Dollars ($3,000,000.00) shall have been expended in the construction of each system. No real or corporate property shall be covered by this exemption except that which is necessarily connected with and appurtenant to each canal system and forming part thereof, nor shall this exemption extend to the assessed value that such real estate had at the time it may be acquired by the company; provided that the right of the State to regulate the diversion of its public waters from their natural bed shall not be waived by this amendment.[12]

Ships and ocean going tugs, tow-boats and barges engaged in overseas trade and commerce, and domiciled in a Louisiana port, shall be exempt

[11] This paragraph is new; it was proposed by the general assembly of 1914 and ratified at the election of November 3, 1914.

[12] This paragraph is new; it was proposed by the general assembly of 1914 and ratified at the election of November 3, 1914.

from all state, parish, and municipal taxation, provided, however, that this exemption shall not apply to harbor, wharf, shed and other port dues.

No ship, tug, tow-boat or barge operated in the coasting trade of continental United States shall be within the exemption herein granted.[13]

ART. 231. The General Assembly shall levy an annual poll tax of one dollar on every male inhabitant in the State between the ages of twenty-one and fifty years, for the maintenance of the public schools in the parishes where collected.

ART. 232. The State Tax on property for all purposes whatever, except those otherwise provided for in this Constitution, including expense of government, schools, levees, public roads, and the public debt and interest thereon, shall not exceed, in any one year, six mills on the dollar of its assessed valuation, unless additional tax is required under the terms of the articles of this Constitution relating to public debt; and except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of assessed valuation: Provided, That for giving additional support to public schools and for the purpose of erecting and constructing public buildings, public school houses, bridges, wharves, levees, sewerage work, fire departments and buildings, and other works of permanent public improvement, the title to which shall be in the public, any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purpose for which the tax is intended, shall have been submitted to a vote of the property taxpayers of such parish, municipality, ward or school district, entitled to vote under the laws of the State, and a majority of the same in number and in amount voting at such election shall have voted therefor.[14]

ART. 233. There shall be no forfeiture of property for the non-payment of taxes. State, levee district, parochial or municipal, but at the expiration of the year in which said taxes are due the collector shall, without suit, and after giving notice to the delinquent in the manner to be provided by law, advertise for sale in the official journal of the parish, city or municipality, provided there be an official journal in such parish, city or municipality, or if not, then, as is now or may be provided by law for sheriffs' sales, the property on which the taxes are due in the manner provided for judicial sales, and on the day of sale he shall sell such portion of the property as the debtor shall point out; and in case the debtor shall not point out sufficient property, the collector shall, at once and without further delay, sell the least quantity of property which any bidder will buy for the amount of taxes, interest and costs. The sale shall be without appraisement, and the property sold shall be redeemable at any time for the space of one year, by paying the price given, including costs and twenty per cent thereon. No judgment annulling a tax sale shall have effect until the price and all taxes and costs paid, with ten per cent. per annum interest on the amount of the price and taxes paid from date of respective payments, be previously paid to the purchaser; provided, this shall

[13] This paragraph is new; it was proposed by the general assembly of 1916 and was ratified at the election of November 7, 1916.

[14] Amendment proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original Article is as follows:

Art. 232. The State tax on property for all purposes whatever, except those otherwise provided for in this Constitution, including expense of government, schools, levees, public roads and the public debt and interest thereon, shall not exceed, in any one year, six mills on the dollar of its assessed valuation, unless an additional tax is required under the terms of the Article of this Constitution relating to the public debt; and, except as otherwise provided in this Constitution, no parish, municipal or public board tax for all purposes whatsoever, shall exceed in any one year ten mills on the dollar of assessed valuation; provided, that for giving additional support to public schools, and for the purpose of erecting and constructing public buildings, public school houses, bridges, wharves, levees, sewerage work, and other works of permanent public improvement, the title to which shall be in the public, and any parish, municipal corporation, ward or school district may levy a special tax in excess of said limitation, whenever the rate of such increase and the number of years it is to be levied and the purposes for which the tax is intended, shall have been submitted to a vote of the property taxpayers of such parish, municipality, ward or school district, entitled to vote under the laws of the State, and a majority of the same in number and in amount at such election shall have voted therefor.

not apply to sales annulled on account of taxes having been paid prior to the date of sale, or dual assessments. All deeds of sale made, or that may be made, by the collectors of taxes, shall be received by courts in evidence as *prima facie* valid sales.

No sale of property for taxes shall be set aside for any cause, except on proof of dual assessment, or of payment of the taxes for which the property was sold prior to the date of the sale, unless the proceeding to annul is instituted within six months from service of notice of sale, which notice shall not be served until the time of redemption has expired, and within three years from the date of recordation of the tax deed, if no notice is given. The manner of notice and form of proceeding to quiet tax titles shall be provided by law. Taxes on movables shall be collected by seizure and sale by the tax collector of the movable property of the delinquent, whether it be the property assessed or not, sufficient to pay the tax. Sale of such property shall be made at public auction, without appraisement, after ten days' advertisement, made within ten days from date of seizure, and shall be absolute and without redemption.

If the tax collector can find no corporeal movables of the delinquent to seize, he may levy on incorporeal rights, by notifying the debtor thereof, or he may proceed by summary rule in the courts to compel the delinquent to deliver up for sale property in his possession or under his control.

ART. 234. The tax shall be designated by the year in which it is collectable, and the tax on movable property shall be collected in the year in which the assessment is made.

ART. 235. The Legislature shall have power to levy, solely for the support of the public schools, a tax upon all inheritances, legacies, and donations; provided, no direct inheritance, or donation, to an ascendant or descendant, below ten thousand dollars in amount or value shall be so taxed; provided further, that no such tax shall exceed three per cent. for direct inheritances and donations to ascendants or descendants, and ten per cent. for collateral inheritances, and donations to collaterals or strangers; provided, bequests to educational, religious, or charitable institutions shall be exempt from this tax.

ART. 236. The tax provided for in the preceding article shall not be enforced when the property donated or inherited shall have borne its just proportion of taxes prior to the time of such donation or inheritance.

ART. 237. The Legislature shall pass no law postponing the payment of taxes, except in case of overflow, general conflagration, general destruction of crops, or other public calamity.

ART. 238. A levee system shall be maintained in the State, and a tax not to exceed one mill may be levied annually on all property subject to taxation, and shall be applied exclusively to the maintenance and repairs of levees.

ART. 239. The General Assembly may divide the State into Levee Districts, and provide for the appointment or election of Levee Commissioners in said districts, who shall, in the method and manner to be provided by law, have supervision of the erection, repair, and maintenance of the levees in said districts; to that effect the Levee Commissioners may levy a tax not to exceed ten mills on the taxable property situated within the alluvial portions of said districts subject to overflow; provided, that in case of necessity to raise additional funds for the purpose of constructing, preserving, or repairing any levees protecting the lands of a district, the rate of taxation herein limited, may be increased, when the rate of such increase and the necessity and purpose for which it is intended shall have been submitted to a vote of the property taxpayers of such district, paying taxes for themselves, or in any representative capacity, whether resident or non-resident, on property situated within the alluvial portion of said district subject to overflow, and a majority of those in number and value, voting at such election, shall have voted therefor. The Board of Commissioners of the several levee districts when authorized so to do by the State Board of Engineers, shall have full power and authority to contract with and permit any steam railroad corporation to construct, maintain, freely use and operate on the public levees, a railroad track or tracks; the supervision, control and general police power over such levees,

however, to remain in and with the several levee boards. Provided, that nothing herein contained shall be construed as divesting either the General Assembly or the municipal government of any incorporated town or city in this State of the jurisdiction, control, or police power now vested in them, or either of them; and provided further, that no right or privilege shall be granted to any one or more railroad companies which shall preclude like grants to other companies willing to contribute pro rata to the common expense incurred or to be incurred.

The several levee districts of the State, for the purpose of refunding the bonds heretofore issued by them under authority granted by the Legislature, and in order that they may negotiate to better advantage that portion of their authorized issue of bonds not yet disposed of, may issue bonds in lieu of said bonds outstanding or not yet disposed of. The Legislature shall pass an act to carry this provision into effect, but bonds issued under this provision shall not bear a rate of interest greater than five per cent, or be disposed of at less than par, and it shall not be obligatory on the holders of the said outstanding bonds to give up the same in exchange before the maturity thereof.

All the provisions of this article are held to apply to the levee district of which the City of New Orleans forms, or may hereafter form, a part; provided, that nothing herein shall be construed as affecting any existing legislation upon the subject of the taxing power of the commissioners of said district.

ART. 240. The provisions of the above two articles shall cease to have effect whenever the Federal government shall assume permanent control and provide the ways and means for the maintenance of levees in this State. The Federal government is authorized to make such geological, topographical, hydrographical and hydrometrical surveys and investigations within the State as may be necessary to carry into effect the act of Congress providing for the appointment of a Mississippi River Commission, for the improvement of said river, from the head of Passes near its mouth to the headwaters, and to construct and protect such public works and improvements as may be ordered by Congress under the provisions of said act.

ART. 241. The General Assembly shall have power, with the concurrence of an adjacent State or States, to create levee districts composed of territory partly in this State and partly in an adjacent State or States, and the Levee Commissioners for such district or districts shall possess all the powers provided by Art. 239 of this Constitution.

ART. 242. Corporations, companies, or associations organized or domiciled out of the State, but doing business therein, may be licensed and taxed by a mode different from that provided for home corporations or companies; provided, said different mode of license shall be uniform, upon a graduated system, and said different mode of taxation shall be equal and uniform as to all such corporations, companies or associations that transact the same kind of business.

[ART. 242a]. All banks, banking associations, banking corporations or banking companies, doing business in this State, but domiciled in other States of the Union or in foreign countries, who may in their own name or in the name of their agents or representatives, engage in this State in the business of lending money or dealing in bills of exchange exclusively, shall pay a yearly license tax of two hundred and fifty dollars to the State and like tax to the the Municipal or Parochial corporation; and in addition to said license tax shall pay to the State an annual tax of 2½ per cent on the gross interest earned on all money loaned, and to the Municipal or Parochial corporation a like tax of 2½ per cent, and shall be subject to no other or further taxation either by the State or by any political subdivision thereof.[15]

ART. 243. All the articles and provisions of this Constitution regulating and relating to the collection of State taxes and tax sales shall also apply

[15]Art. 242 is a new article; it was proposed by the general assembly of 1914 and was ratified at the election of Nov. 3, 1914. The act proposing the amendment does not assign a number to it, but for convenience it has been inserted here.

to and regulate the collection of parish, district, municipal, board and ward taxes.

[ART. 243a]. The General Assembly shall provide for the registration of automobiles and motor vehicles and provide a license tax for the use thereof, and all provisions of the Constitution in conflict herewith are to this extent repealed, and Act ____ of 1914, entitled "An Act to Define Motor Vehicles," etc., is ratified and approved.[16]

HOMESTEAD EXEMPTIONS.

ART. 244. There shall be exempt from seizure and sale by any process whatever, except as herein provided, and without registration, the homestead, *bona fide*, owned by the debtor and occupied by him, consisting of lands, not exceeding one hundred and sixty acres, buildings and appurtenances, whether rural or urban, of every head of a family, or person having a mother or father, or a person or persons dependent on him or her for support; also two work horses, one wagon or cart, one yoke of oxen, two cows and calves, twenty-five head of hogs, or one thousand pounds of bacon or its equivalent in pork, whether these exempted objects be attached to a homestead or not, and on a farm the necessary quantity of corn and fodder for the current year, and the necessary farming implements, to the value of two thousand dollars.

Provided, that in case the homestead exceeds two thousand dollars in value, the beneficiary shall be entitled to that amount in case a sale of the homestead under any legal process realizes more than that sum.

No husband shall have the benefit of a homestead, whose wife owns, and is in the actual enjoyment of property or means to the amount of two thousand dollars.

The benefit of this exemption may be claimed by the surviving spouse, or minor child or children, of a deceased beneficiary.

ART. 245. Rights to homesteads or exemptions, under laws or contracts, or obligations existing at the time of the adoption of this Constitution, shall not be impaired, repealed or affected by any provision of this Constitution, or any laws passed in pursuance thereof.

This exemption shall not apply to the following debts, to-wit:

1st. For the purchase price of property or any part of such price.

2d. For labor, money, and material, furnished for building, repairing or improving homesteads.

3d. For liabilities incurred by any public officer, or fiduciary, or any attorney at law, for money collected or received on deposit.

4th. For taxes or assessments.

5th. For rent which bears a privilege upon said property.

No court or ministerial officer of this State shall ever have jurisdiction, or authority, to enforce any judgment, execution, or decree, against the property exempted, as a homestead, except the debts above mentioned in numbers one, two, three, four and five, of this Article; provided, the property herein declared exempt shall not exceed in value two thousand dollars.

ART. 246. The right to sell any property that is exempt as a homestead shall be preserved; but no sale shall destroy or impair any rights of creditors thereon. Any person entitled to a homestead may waive the same, by signing with his wife, if she be not separated *a mensa et thoro*, and having recorded in the mortgage records of his parish, a written waiver of the same, in whole or in part. Such waiver may be either general or special, and shall have effect from the time of recording.

ART. 247. In the Parish of Orleans, the homestead to be valid shall be recorded as is now, or may be, provided by law.

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[16]Art. 243a is a new article; it was proposed by the general assembly of 1914 and was ratified at the election of Nov. 3, 1914. The act proposing the amendment does not assign a number to it, but for convenience it is inserted here. The act here referred to was approved July 9, 1914, and was submitted to a referendum vote along with the proposed constitutional amendment and was ratified.

PUBLIC EDUCATION.

ART. 248. There shall be free public schools for the white and colored races, separately established by the General Assembly, throughout the State for the education of all the children of the State between the ages of six and eighteen years; provided, that where kindergarten schools exist, children between the ages of four and six may be admitted into said schools. All funds raised by the State for the support of public schools, except poll taxes, shall be distributed to each parish in proportion to the number of children therein between the ages of six and eighteen years. The General Assembly shall provide for the enumeration of educable children.

ART. 249. There shall be elected by the qualified electors of the State a Superintendent of Public Education, who shall hold his office for the term of four years, and until his successor is qualified. His duties shall be prescribed by law, and he shall receive an annual salary of Five Thousand Dollars, payable monthly, on his warrant.

ART. 250. The General Assembly shall provide for the creation of a State Board, and Parish Boards of Public Education. The Parish Boards shall elect a Parish Superintendent of Public Education for their respective parishes, whose qualifications shall be fixed by the Legislature, and who shall be ex-officio secretary of the Parish Board. The salary of the Parish Superintendent shall be provided for by the General Assembly, to be paid out of the public school funds accruing to the respective parishes.

ART. 251. The general exercises in the public schools shall be conducted in the English language; provided, that the French language may be taught in those parishes or localities where the French language predominates, if no additional expense is incurred thereby.

ART. 252. The funds derived from the collection of the poll tax shall be applied exclusively to the maintenance of the public schools as organized under this Constitution, and shall be applied exclusively to the support of the public schools in the parish in which the same shall be collected, and shall be accounted for and paid by the collecting officer directly to the treasurer of the local school board.

ART. 253. No funds raised for the support of the public schools of the State shall be appropriated to or used for the support of any private or sectarian schools.

ART. 254. The school funds of the State shall consist of:

First. Not less than one and one-quarter mills of the taxes levied and collected by the State.

Second. The proceeds of taxation for school purposes as provided by this Constitution.

Third. The interest on the proceeds of all public lands heretofore granted or to be granted by the United States for the support of the public schools, and the revenue derived from such lands as may still remain unsold.

Fourth. Of lands and other property heretofore or hereafter bequeathed, granted or donated to the State for school purposes.

Fifth. All funds and property, other than unimproved lands, bequeathed or granted to the State, not designated for any other purpose.

Sixth. The proceeds of vacant estates falling under the law of the State of Louisiana.

ART. 255. The Legislature may appropriate to the same funds the proceeds of public lands not designated or set apart for any other purpose, and shall provide that each parish may levy a tax for the public schools therein, which shall not exceed the entire State Tax; provided, that with such tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution.

The City of New Orleans shall make such appropriation for the support, maintenance and repair of the public schools of said city as it may deem proper, but not less than eight-tenths of one mill for any one year; and said schools shall also continue to receive from the Board of Liquidation of the city debt, the amounts to which they are now entitled under the Constitution amendment, adopted in the year 1892.

The Police Juries of the several parishes and boards of trustees and municipal councils of incorporated cities and towns (the parish of Orleans excepted) shall levy, collect and turn over to the Parish School Boards of their respective parishes, cities or towns, the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of the property thereof; provided, that cities and towns that are not exempted by the terms of their charters from the payment of parish taxes and which are subjected to the similar burdens of taxation as are the parishes shall not pay this tax, as same is included in the taxes imposed by the parish in which the town is situated, unless the parish boards of school directors of that parish certify that the needs of the schools can be met by a smaller levy of such taxes.

Provided, that this shall not apply to cities that under legislative authority now conduct, maintain and support public schools, open and free to the youth of the parish in which said city is located, and levy, collect and expend annually for the conduct, maintenance and support of said schools the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of property; and such cities shall not pay and turn over to the parish school board the proceeds of at least three mills of the annual tax, or any part thereof, as herein provided, and shall be exempted from the same so long as such cities continue to conduct, maintain and support free schools as herein provided, under the supervision and control of the State Board of Education and independent of parochial school authorities; provided further, that such city shall not be entitled to membership on the Parish Board of School Directors and that the electors for such city shall not be eligible to vote at the elections for such directors for the parish in which such city is situated.[17]

ART. 256. The Louisiana State University and Agricultural and Mechanical College, founded upon the land grants of the United States to endow a seminary of learning and a college fo the benefit of agriculture and mechanical arts, now established and located in the City of Baton Rouge is hereby recognized; and all revenues derived and to be derived from the Seminary Fund, the Agricultural and Mechanical College Fund, and other funds or hands donated or to be donated by the United States to the State of Louisiana for the use of a seminary of learning, or of a college for the benefit of agriculture or the Mechanic arts, shall be appropriated exclusively to the maintenance and support of said Louisiana State University and Agricultural and Mechanical College; and the General Assembly shall make such additional appropriations as may be necessary for its maintenance and support and improvement, and for the establishment, and for the establishment, in connection with said institution, of

[17]Amendment proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original section is as follows:

Art. 255. The Legislature may appropriate to the same funds the proceeds of public lands not designated or set apart for any other purpose, and shall provide that every parish may levy a tax for the public schools therein, which shall not exceed the entire State tax; provided, that with such a tax the whole amount of parish taxes shall not exceed the limits of parish taxation fixed by this Constitution.

The City of New Orleans shall make such appropriation for the support, maintenance and repair of the public schools of said city as it may deem proper, but not less than eight-tenths of one mill for any one year; and said schools shall also continue to receive from the Board of Liquidation of the City Debt, the amounts to which they are now entitled under the Constitutional amendment, adopted in the year 1892.

The police juries of the several parishes and boards of trustees and municipal councils of incorporated cities and towns (the Parish of Orleans excepted) shall levy, collect and turn over to the parish school boards of their respective parishes for the support of the public schools of their respective parishes, cities or towns, the proceeds of at least three mills of the annual tax which they are empowered to levy on each dollar of the assessed valuation of the property thereof. Provided, that cities and towns that are not exempted by the terms of their charters from the payment of parish taxes and which are subjected to the similar burdens of taxation as are the parishes shall not pay this tax, as same is included in the taxes imposed by the parish in which the town is situated, unless the parish boards of school directors of that parish certify that the needs of the school can be met by a smaller levy of such taxes.

such additional scientific or literary departments as the public necessities and the well being of the people of Louisiana may require.

The Tulane University of Louisiana, located in New Orleans, is hereby recognized as created and to be developed in accordance with the provisions of legislative act No. 43, approved July 5, 1884, and by approval of the electors, made part of the Constitution of the State.

ART. 257. The Louisiana State Normal School, established and located at Natchitoches; the Louisiana Industrial Institute, established and located at Ruston; the Southwestern Louisiana Industrial Institute, established and located at Lafayette; and the Southern University for the education of persons of color, are hereby recognized; and the General Assembly is directed to make such appropriations from time to time as may be necessary for the maintenance, support and improvement of these institutions; provided that the appropriation for the maintenance and support of the Southern University shall not exceed ten thousand dollars per annum.

ART. 258. The debt due by the State to the Free School Fund, declared by the Constitutions of 1879 and 1898 to be the sum of one million one hundred and thirty thousand eight hundred and sixty-seven dollars and fifty-one cents in principal, shall be kept on the books of the Auditor and Treasurer to the credit of the several townships entitled to the same; the said principal being the proceeds of the sales of lands heretofore granted by the United States for the use and support of free public schools, which amount shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of four per cent and that said interest shall be paid to the several townships in the State entitled to the same, in accordance with the Act of Congress, No. 68, approved February 15th, 1843.

ART. 259. The debt due by the State to the Seminary Fund is hereby declared to be one hundred and thirty-six thousand dollars, being the proceeds of the sale of lands heretofore granted by the United States to this State for the use of a seminary of learning, and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of four per cent. on said amount.

ART. 260. The debt due by the State to the Agricultural and Mechanical College Fund is hereby declared to be the sum of one hundred and eighty-two thousand three hundred and thirteen dollars and three cents, being the proceeds of the sale of lands and land scrip heretofore granted by the United States to this State for the use of a college for the benefit of agricultural nad mechanical arts; and said amount shall be kept to the credit of said fund on the books of the Auditor and Treasurer of the State as a perpetual loan, and the State shall pay an annual interest of five per cent. on said amount.

ART. 261. All pupils in the primary grades in the public schools throughout the Parish of Orleans, unable to provide themselves with the requisite books, an affidavit to that effect having been made by one of the parents of such pupils, or if such parents be dead, then by the tutor or other person in charge of such pupils, shall be furnished with the necessary books free of expense, to be paid for out of the school fund of said parish; and the School Board of the Parish of Orleans is hereby directed to appropriate annually not less than two thousand dollars for the purpose named, provided such amount be needed.

CORPORATIONS AND CORPORATE RIGHTS.

ART. 262. All charters granted to corporations shall be held subject to the right of the State to alter, amend or repeal the same.

And any corporation now existing which shall hereafter amend its charter shall thereby ipso facto become subject to the provisions of this article.

The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, nor renew, alter or amend the same, nor pass any general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

ART. 263. The exercise of the police power of the State shall never be abridged nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

ART. 264. No domestic or foreign corporations shall do any business in this State without having one or more known places of business and an authorized agent or agents in the State upon whom process may be served.

ART. 265. No corporation shall engage in any business other than that expressly authorized in its charter or incidental thereto, nor shall it take or hold any real estate for a longer period than ten years, except such as may be necessary and proper for its legitimate business or purposes.

ART. 266. No corporation shall issue stock or bonds, except for labor done or money or property actually received, and all fictitious issues of stock shall be void, and any corporation issuing such fictitious stock shall forfeit its charter.

ART. 267. The stock shall neither be increased nor decreased, except in pursuance of general laws, nor without consent of persons holding the larger amount in value of the stock, first obtained at a meeting of stockholders to be held after thirty days' notice given in pursuance of law.

ART. 268. The term corporation, as used in this Constitution, shall be construed to include all joint stock companies or associations having any power or privilege not possessed by individuals or partnerships.

ART. 269. It shall be a crime, the punishment of which shall be prescribed by law, for any president, director, manager, cashier, or other officer or owner of any private or public bank or banking institution or other corporation accepting deposits or loans to assent to the reception of deposits, or the creation of debts by such banking institutions, after he shall have had knowledge of the facts that it is insolvent or in failing circumstances; any such officer, agent or manager shall be individually responsible for such deposits so received and all such debts so created with his assent.

ART. 270. The General Assembly shall have power to enact general laws authorizing the parochial, ward and municipal authorities of the State, by a vote of the majority of the property tax payers, in number entitled to vote under the provisions of this Constitution, and in value, to levy special taxes in aid of public improvements, railway enterprises, river transportation lines, such as steam boat and barge lines, and navigation canals; provided, that such tax shall not exceed the rate of five mills per annum, nor extend for a longer period than ten years; and provided further, that no tax payer shall be permitted to vote at such election unless he shall have been assessed for property, the year previous, in the parish, ward or municipality to be affected.[18]

ART. 271. Any railroad corporation or association organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad, and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

ART. 272. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies, common carrier.

ART. 273. Every railroad or other corporation, organized or doing business

[18]Amendment proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original section is as follows:

Art. 270. The General Assembly shall have power to enact general laws authorizing the parochial, ward and municipal authorities of the State, by a vote of the majority of the property taxpayers in number entitled to vote under the provisions of this Constitution, and in value, to levy special taxes in aid of public improvements or railway enterprises; provided, that such tax shall not exceed the rate of five mills per annum, nor extend for a longer period than ten years; and provided further, that no taxpayer shall be permitted to vote at such election unless he shall have been assessed for property, the year previous, in the parish, ward or municipality to be affected.

in this State under the laws or authority thereof, shall have and maintain a general office in this State for the transaction of its business where transfers of stock shall be made and where shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, the names of the owners of stock, the amount owned by them, respectively, the amount of stock paid in, and by whom, the transfers of said stock, with the date of transfer, the amount of its assets and liabilities, the names and places of residence of its officers. All public service corporations organized under the laws of the State of Louisiana shall maintain in this State in charge of one or more of the general officers of such company their general offices for the operation and conduct of the business of such corporation.[19]

ART. 274. If any railroad company, organized under the laws of this State, shall consolidate, by sale or otherwise, with any railroad company organized under the laws of any other State or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction in all matters which may arise, as if said consolidation had not taken place. In no case shall any consolidation take place except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

ART. 275. General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholder.

ART. 276. The police juries of the several parishes and the constituted authorities of all incorporated municipalities of the State shall alone have the power of regulating the slaughtering of cattle and other live stock within their respective limits; provided, no monopoly or exclusive privilege shall exist in this State, nor such business be restricted to the land or houses of any individual or corporation; provided, the ordinances designating the places for slaughtering shall obtain the concurrent approval of the Board of Health or other sanitary organization.

PAROCHIAL AND MUNICIPAL CORPORATIONS.

ART. 277. The General Assembly may establish and organize new parishes, which shall be bodies corporate, with such powers as may be prescribed by law, but no new parish shall contain less than six hundred and twenty-five square miles, nor less than seven thousand inhabitants; nor shall any parish be reduced below that area, or number of inhabitants.

ART. 278. All laws changing parish lines, or removing parish seats, shall, before taking effect, be submitted to the electors of the parish or parishes to be affected thereby, at a special election held for that purpose, and the lines, or the parish seat, shall remain unchanged unless two-thirds of the qualified electors of the parish or parishes affected thereby vote in favor thereof at such election.

ART. 279. Any parish may be dissolved and merged by the General Assembly into a contiguous parish or parishes, two-thirds of the qualified electors of the parish proposed to be dissolved voting in favor thereof at an election held for that purpose; provided, that the parish or parishes into which the dissolved parish proposes to become incorporated consents thereto by a majority of its qualified electors voting therefor.

ART. 280. Whenever a parish shall be enlarged or created from territory contiguous thereto, it shall be entitled to a just proportion of the property and assets, and be liable for a just proportion of the existing debts or lia-

[19]Amendment proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original Article is as follows:

Art. 273. Every railroad or other corporation, organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this state for the transaction of its business, where transfers of stock shall be made, and where shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, the names of owners of stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfers of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers.

bilities of the parish or parishes from which such territory shall have been taken.

ART. 281. SECTION 1. Municipal corporations, parishes and school, drainage, sub-drainage, road, subroad, navigation, or sewerage districts, City of New Orleans excepted, hereinafter referred to as subdivisions of the State, when authorized by a vote of a majority, in number and amount of the property taxpayers, qualified to vote under the Constitution and laws of this State, who vote at an election held for that purpose, after due notice of said election has been published for thirty days in the official journal of the municipal corporation or parish or where there is no official journal, in a newspaper published therein, may, through their respective governing authorities, incur debts and issue negotiable bonds therefor, and each year while any bonds thus issued are outstanding, the governing authorities of such subdivisions shall impose and collect annually, in excess of all other taxes a tax sufficient to pay the interest, annually or semi-annually, and the principal falling due each year, or such amount as may be required for any sinking fund necessary to retire said bonds at maturity; provided, that such special taxes, for all purposes as above set forth shall not in any year exceed ten mills on the dollar of assessed valuation of the property in such subdivisions.

No bonds shall be issued for any other purpose than that stated in the submission of the proposition to the taxpayers, and published for thirty (30) days as aforesaid, or for a greater amount than therein mentioned; nor shall such bonds be issued for any other purpose than for constructing, improving and maintaining public roads and highways, paving and improving streets, roads and alleys, purchasing and constructing systems of waterworks, sewerage, drainage, navigation, lights, public parks and buildings, together with all necessary equipment and furnishing, bridges and other works of public improvement, the title to which shall rest in the subdivision creating the debt, as the case may be; nor shall such bonds run for a longer period than forty (40) years from their date or bear a greater rate of interest than five per centum (5) per annum, or be sold for less than par. The total issue of bonds by any subdivision for all purposes shall never exceed ten per centum (10) of the assessed valuation of the property in such subdivisions. Municipal councils are granted the authority to create within their limits one or more sewerage districts.

SEC. 2. Police Juries in any parish or parishes may in accordance with law create drainage districts, which in addition to the powers hereinabove granted, shall have further power and authority to establish and maintain drainage systems and the governing authorities of such districts, when authorized by a majority in number and amount of the property taxpayers of said district qualified to vote under the Constitution and laws of the State of Louisiana who vote in an election held for that purpose, may, for the purpose of establishing and maintaining gravity drainage in such districts, impose and collect for a period not exceeding forty (40) years forced contributions or acreage taxes not exceeding fifty cents (50 cts.) per acre per year on each and every acre of land, which is susceptible of gravity drainage, in the subdivision where such an election is held. The governing authority of such subdivisions, when authorized as set forth, may incur and issue negotiable bonds to represent same, secured by the forced contribution or acreage taxes above described provided that the total amount of debts thus incurred or bonds issued shall not exceed in principal and interest the aggregate amount to be raised by said annual contributions or acreage taxes during the period for which the same are imposed, and that no such bonds shall be issued for any other purpose than that for which the said contributions or acreage taxes are voted, to run for a longer period than forty (40) years, bear a greater rate of interest than five per centum per annum, payable annually or semi-annually, or to be sold for less than ninety per centum (90%) of par. And the Board of Commissioners of Drainage Districts without submission to the taxpayers are authorized to levy additional taxes under the terms and conditions of this article and within the limits fixed thereby for the purpose

of perfecting and completing any system of drainage eighty per cent of which shall have been accomplished at the time of said additional levy of taxes, and to fund the avails of said additional levy of taxes, into bonds under the terms and conditions set forth in the present article.

SEC. 3. When the character of any land is such that it must be leveed and pumped in order to be drained and reclaimed the Board of Drainage Commissioners of the district in which the land is situated, shall upon the petition of land owners, whether individuals or corporations, resident or non-resident, owning not less than a majority of acres in the area to be affected, ascertain the cost per acre of draining and reclaiming said land, incur debt against each and every acre of land thus situated for an amount sufficient to drain and reclaim it, and to issue for such debt negotiable bonds for the total aggregate amount of the total cost of such drainage, which bonds shall run not longer than forty (40) years from their date and bear interest at a rate not exceeding five per centum per annum, payable annually or semi-annually, and shall be sold for not less than ninety per centum (90%) of par; and said Board of Drainage Commissioners shall each year as long as any bonds are outstanding levy annually upon each and every acre of land, whether public or private, situated in said drainage or subdrainage district, forced contributions or acreage taxes in an amount per acre sufficient to maintain the drainage of the said district or subdrainage district, to pay the interest annually or semi-annually and the principal falling due each year, or such amount as may be required for any sinking fund for the payment of said bonds at maturity, provided, that such forced contributions or acreage taxes for all purposes shall never exceed Three Dollars and Fifty Cents ($3.50) per acre per annum.

All bonds heretofore issued under and by virtue of this Article 281 of the Constitution by the governing authority of any subdivision, which have heretofore not been declared invalid by a judgment of a court of last resort in the State of Louisiana and more than sixty (60) days have elapsed since the promulgation of the proceedings evidencing the issuing of said bonds, are hereby recognized and declared to be valid and existing bonds and obligations of the district or subdivision issuing the same, and no court shall have jurisdiction to entertain any contest wherein their validity or constitutionality is questioned.[20]

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[20]Sections 2 and 3 were amended by a joint resolution adopted by the general assembly of 1914 and ratified at the election of November 3, 1914. The text of the original sections is as follows:

Sec. 2. Police juries in any parish or parishes may in accordance with law create drainage districts, which in addition to the powers hereinabove granted, shall have further power and authority to provide and maintain drainage systems and the governing authorities of such districts, when authorized by a majority in number and amount of the property taxpayers of said district qualified to vote under the constitution and laws who vote at an election held for that purpose, may impose and collect for a period not exceeding forty years forced contributions or acreage taxes not exceeding fifty cents per acre per year on every acre of land in the subdivision where such an election is held. The governing authority of such subdivision when authorized as set forth, may incur debt and issue negotiable bonds to represent same, secured by the taxes above described provided that the total amount of debts thus incurred or bonds issued shall never exceed in principal and interest the aggregate amount to be raised by said annual contributions or acreage taxes during the period for which the same are imposed and that no such bonds shall be issued for any other purpose than that for which said contributions or acreage taxes were voted, run for a longer period than forty years, bear a greater rate of interest than five per centum per annum or be sold for less than par. All bond issues heretofore authorized by taxpayers in any subdivision at any election not contested on any ground of fraud are hereby recognized and validated.

Sec. 3. When the character of any land is such that it must be leveed and pumped in order to be drained and reclaimed the Board of Drainage Commissioners in the district in which the land is situated, shall, upon the petition of not less than a majority in acreage of the property taxpayers, resident and nonresident, in the area to be affected, ascertain the cost of drainage, and reclaiming said land and incur debt against said land for an amount sufficient to drain and reclaim it, and issue for such debt negotiable bonds running not longer than forty (40) years from their date and bearing interest at a rate not exceeding five per centum per annum payable annually or semi-annually, which bonds shall not be sold for less than par; and said Board of Drainage Commissioners shall levy annually upon said land

SEC. 4. The police juries of the various parishes throughout the State, for the purpose of constructing highways and public buildings for the parish, and the governing authorities of municipal corporations, for the purpose of paying or improving streets or alleys, and for all municipal improvements, after making provision for the payment of all statutory and ordinary charges, may fund into bonds running for a period not exceeding ten (10) years, and bearing interest at a rate not exceeding five (5) per centum per annum, which bonds shall not be sold for less than par, the avails of the residue of the ten (10) mill tax authorized by this Constitution.

SEC. 5. Should any of the aforesaid subdivisions of the State neglect or fail for any reason to impose or collect the taxes provided for in the foregoing sections, any person in interest may by summary proceedings in the district court having jurisdiction, enforce the imposition or collection of such taxes, or both, and such proceedings shall be filed and triable free of any cost to the litigant.

SEC. 6. Municipal corporations, parishes and school, drainage, sub-drainage, road, subroad, navigation and sewerage districts (the City of New Orleans excepted), hereinafter referred to as subdivisions, when authorized to do so in the manner herein provided, may, for the purpose of readjusting, refunding, extending or unifying their bonded indebtedness, issue new bonds, covering any particular issue or issues of bonds or the whole outstanding bonded indebtedness incurred by such subdivision for the purposes specified in Section 1 of this article or any issue or refund issue bonds or renewal or refunding bonds issued by such subdivision in novation or renewal and any bonds, heretofore or hereafter issued for the purpose specified in said Section 1 of this Article. No bonds issued under this section shall run for more than forty (40) years from their date, bear a greater rate of interest than five per centum per annum, payable semi-annually or annually, or be sold by the subdivision issuing the same for less than par. Any bonds issued under this section may be either exchanged in whole or in part, value for value for bonds issued, or to be issued, under this Article, or sold and the proceeds thereof used for the purpose of purchasing outstanding bonds. Before any bonds shall be issued under this section the issuance thereof shall be authorized by a vote of a majority in number and amount of the property taxpayers qualified to vote under the Constitution and laws of this State who vote on the proposition at an election held for that purpose, after due notice of said election has been published for thirty days in the official journal of the parish or parishes in which said subdivisions are located, or where there is no official journal, in any newspaper published in such parish or parishes; provided, however, that the governing body of any such subdivision may in their discretion and without a vote of the taxpayers, issue refunding or renewal bonds under this section, if the bonds to be refunded or renewed thereby have been or shall be issued for any of the purposes specified in Section 1 of this article, or in novation or renewal of any bonds issued or to be issued for the said purposes specified in Section 1 of this Article, and such issue or issues so refunded or renewed have been or shall be authorized by a vote of a majority in number and amount of the property taxpayers qualified by a vote under the Constitution and laws of this State who voted or shall vote on the proposition at an election held for that purpose. When the bonds of any outstanding issue shall have been obtained either by purchase or exchange, the tax levy to pay such bonds shall at once cease and such bonds be canceled. Each year while any refunding bonds issued under this paragraph are outstanding, the governing authorities of such subdivision shall levy and collect annually, in excess of all other taxes, a tax sufficient to pay the interest, annually or semi-annually, and the principal falling due or such amount as may be required for a sinking fund for the payment of said bonds at maturity, provided that such special ad valorem

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forced contributions or acreage taxes in an amount sufficient to maintain the drainage of said land, to pay the interest, annually or semi-annually, and the principal falling due each year or such amount as may be required for any sinking fund provided for payment of said bonds at maturity, provided, that such forced contributions or acreage taxes, for all purposes shall never exceed three dollars and fifty cents ($3.50) per acre per annum.

tax for all purposes shall not in any year exceed ten mills on the dollar of the assessed valuation of the property in such subdivision.

The governing body of any such subdivision shall have full power to adopt and pass all ordinances and resolutions necessary to carry the provisions of this section into effect. An election may be held under the provisions of this section at the same times and places and by the same election officers as an election on the question of incurring debt and issuing bonds under the provisions of Section 1 of this Article.

Where bonds of any subdivision have been heretofore issued for any of the purposes specified in Section 1 of this Article, and such issue has been authorized by the vote of a majority in number and amount of the property taxpayers qualified to vote under the Constitution and laws of this State who voted upon the proposition to issue such bonds at an election held for that purpose, and where such bonds have been issued and sold by such subdivision for not less than par value thereof, the said bonds, or any refund issue bonds, or renewal or refunding bonds issued in novation or renewal of bonds issued for said purposes specified in Section 1 of this Article, are hereby validated, ratified and confirmed; provided that such bonds did not at the time of their issue exceed ten per centum of the assessed valuation of the property in such subdivision, and such bonds hereby ratified, approved and confirmed shall be deemed to be the valid and incontestible obligations of such subdivision and a tax for the payment of the principal and interest thereof and to create a sinking fund for their redemption shall be levied and collected in the manner and within the limits prescribed by Section 1 of this Article. This entire Article is to be considered a full grant of power to the subdivisions of the State as set forth herein.

ART. 282. One-half of the net amount of all parish taxes and licenses, levied and collected within the corporate limits of the City of Baton Rouge, shall be paid over for the use of said city, by the officer collecting the same, to the officer charged with the custody of the funds of said city.

[ART. 282a]. SECTION 1. The City of Shreveport by a four-fifths vote of all the members of the City Council thereof, shall have power and is hereby authorized to issue $500,000 of bonds, or so much thereof as may be necessary, to be styled City of Shreveport Serial Gold Bonds, and to bear such rate of interest as the City Council may fix from time to time, as each installment of the said bonds is offered for sale, as hereafter provided; said rate of interest at no time to exceed 5 per cent per annum payable semi-annually.

SEC. 2. The proceeds of said bonds shall be applied to the payment and retirement of all certificates of indebtedness issued by the City of Shreveport prior to May 1, 1916, and to the payment of all judgments rendered against said city prior to May 1, 1916.

SEC. 3. All bonds issued under this amendment shall be in such form, terms and denominations, and payable at such time and places, within a period of not exceeding forty years from the date thereof, as the City Council of Shreveport shall determine. Said bonds shall be issued in serial form and shall be payable in annual installments, commencing not more than one year from their respective dates, and the installment payable in each year shall be so fixed, that when the annual interest is added thereto, the several annual total amounts of principal and interest to be paid shall be as nearly equal as practicable.

Said bonds shall be signed by the Mayor and the Secretary-Treasurer of the City of Shreveport, and countersigned by the Commissioners of Accounts and Finances, and the coupons shall have the fac-simile signatures of the Mayor and Secretary-Treasurer. In case any such officer whose signature or countersignature, who appears on such a bond or coupon, shall cease to be such officer before delivery of said bond or coupon to the purchaser, such signature or counter-signature shall nevertheless be valid for all purposes.

SEC. 4. The principal and interest of all bonds authorized by this amendment shall be payable in gold coin of the United States of America or its

equivalent, of the standard weight and fineness at the time of the issuance thereof, and shall be exempt from all forms of taxation.

SEC. 5. The full faith and credit of the City of Shreveport are pledged for the payment of principal and interest of all bonds issued under this amendment. The principal and interest of all bonds authorized and to be issued under this amendment, shall be paid out of the tax which shall be levied annually by the City Council of Shreveport, upon all taxable property in said city, sufficient to provide for the payment of the principal and interest of said bonds as they respectively become due. The tax so levied is to be in excess of the general and special taxes provided for elsewhere in this constitution and is not to be affected by nor to affect the limitations elsewhere contained in the Constitution as to the issuance of bonds, and the levying of taxes by municipalities.

SEC. 6. The provisions hereof are self-operative and the City Council of Shreveport may by ordinance carry them into effect.[21]

[ART. 282b]. SECTION 1. That every Municipal Corporation, Parish or Ward when authorized to do so by a majority in number and amount of the property tax payers of said Municipal Corporation, Parish or Ward, qualified as electors under the Constitution and Laws of this State voting at an election held for that purpose, notice of which election having been published for thirty days in the official Journal of the said Municipal Corporation or Parish, or if there is no journal, in a journal published therein, may assess and levy a tax upon the taxable property assessed in said Municipal Corporation, Parish or Ward, the proceeds of which is to be used for the purchase and improvements of grounds and for the premium awards for the Municipal, Parish or ward fairs. Provided that this tax shall not exceed one mill upon the assessed valuation of the property within said Municipal Corporation, Parish or Ward, and provided further that said tax shall not run for a period exceeding ten years.

SEC. 2. That the City of Shreveport or Parish of Caddo, when authorized in the manner set forth in the preceding section may levy and assess the tax provided for in said section and use the proceeds therefrom for the benefit of the State Fair of Louisiana, located in said City of Shreveport.

SEC. 3. That resident women taxpayers may vote in the election herein provided for in person or by proxy.

SEC. 4. That the Police Juries of the several parishes and the councils of the several municipalities, upon petition of one-fourth of the property owners and tax payers of any parish, ward or municipality shall call the election herein provided for.[22]

RAILROAD, EXPRESS, TELEPHONE, TELEGRAPH, STEAMBOAT AND SLEEPING CAR COMPANY COMMISSION.

ART. 283. A Railroad, Express, Telephone, Telegraph, Steamboat and other Water Craft, and Sleeping Car Commission, is hereby created; to be composed of three members, to be elected from the districts hereinafter named, at the time fixed for the Congressional election. The commissioners from each district shall be elected for a term of six years. The terms of the present Commissioners shall expire as follows: 1st District, 1916; 2nd District, 1914, and 3rd District, 1918. They shall be known as the Railroad Commission of Louisiana. The Commission shall meet and open an office and have its domicile at Baton Rouge, and shall elect one of their number chairman, and may appoint a secretary at a salary of fifteen hundred dollars per annum, and may meet and hold regular or special hearings at such other places as they may find necessary.

ART. 284. The power and authority is hereby vested in the commission, and it is hereby made its duty, to adopt, change or make reasonable and just

[21]Article 282a is a new article; it was proposed by the general assembly of 1916 and ratified on November 7, 1916.

[22]Article 282b is a new article; it was proposed by the general assembly of 1916 and ratified at the election of November 7, 1916.

rates, charges and regulations, to govern and regulate railroad, steamboat and other water craft, and sleeping car, freight and passenger tariffs and service, express rates, and telephone and telegraph charges, to correct abuses, and prevent unjust discrimination and extortion in the rates for the same, on the different railroads, steamboat and other water craft, sleeping car, express, telephone and telegraph lines of this State, and to prevent such companies from charging any greater compensation in the aggregate for the like kind of property or passengers, or messages, for a shorter than a longer distance over the same line, unless authorized by the commission to do so in special cases; to require all railroads to build and maintain suitable depots, switches and appurtenances, wherever the same are reasonably necessary at stations, and to inspect railroads and to require them to keep their tracks and bridges in a safe condition, and to fix and adjust rates between branch or short lines and the great trunk lines with which they connect, and to enforce the same by having the penalties hereby prescribed inflicted through the proper courts having jurisdiction.

The commission shall have power to adopt and enforce such reasonable rules, regulations, and modes of procedure, as it may deem proper for the discharge of its duties, and to hear and determine complaints that may be made against the classification or rates it may establish, and to regulate the mode and manner of all investigations and hearings of railroad companies and other parties before it, in the establishment of rates, orders, charges, and other acts, required or authorized by these provisions. The Commissioners shall have power to summon and compel the attendance of witnesses, to swear witnesses, and to compel the production of books and papers, to take testimony under commission, and to punish for contempt as fully as is provided by law for the district courts.

ART. 285. If any railroad, express, telephone, telegraph, steamboat and other water craft, or sleeping car company, or other party in interest, be dissatisfied with the decision or fixing of any rate, classification, rule, charge, order, act or regulation, adopted by the Commission, such party may file a petition setting forth the cause of objection to such decision, act, rule, rate, charge, classification or order or to either or to all of them, in a court of competent jurisdiction, at the domicile of the commission, against said commission as defendant, and either party to said action may appeal the case to the Supreme Court of the State, without regard to the amount involved, and all such cases, both in the trial and appellate courts, shall be tried summarily, and by preference over all other cases. Such cases may be tried in the court of the first instance either in chambers, or at term time; provided, all such appeals shall be returned to the Supreme Court within ten days after the decision of the lower court; and where the commission appeals, no bond shall be required. No bond, advanced costs or security for costs shall be required of said Commission in any case.

ART. 286. If any railroad, express, telephone, telegraph, steamboat, or other water craft, or sleeping car company, subject hereto, directly or indirectly, or by any special rate, rebate, or any other device, shall intentionally charge, demand, collect or receive from any person, firm or corporation, a greater or less compensation for any service rendered by it, than it charges, demands or receives from any other person, firm or corporation, for doing a like and contemporaneous service, or shall violate any of the rates, charges, orders, rules or decisions of said Commission, such railroad, or steamboat, or other water craft, express, telegraph, telephone, or sleeping car company, shall forfeit and pay to the State not less than One Hundred Dollars nor more than Five Thousand Dollars, to be recovered before any court of competent jurisdiction, at the suit of the State, at the domicile of the commission.

Provided, that every order or decision of the commission fixing and establishing a rate or charge for the transportation of passengers or freight, or for the transmission of messages or conversations by telephone or telegraph, within the State shall go into effect at such time as may be fixed by the commission and shall remain in effect and be complied with, unless and until

set aside by the commission, or by a final judgment of a court of competent jurisdiction, rendered on final trial in a suit to set aside and annul the same.

Provided, that, whenever any rate, charge, rule, regulation, order or decision of the commission is contested in court, as provided by this Constitution, or by any amendment thereto, and the same is maintained on final trial by a court of competent jurisdiction, the railroad, express, telephone, telegraph, steamboat or other water craft, or sleeping car company, or corporation contesting the same, shall forfeit and pay to the State of Louisiana the sum of not less than Ten ($10.00) Dollars, nor more than Fifty ($50.00) Dollars per day, for each day that the putting into effect and operation of the rate, order, charge, rule, regulation, or decision of the commission may have been suspended by such suit, to be found and adjudged by the court in which such suit may be brought; and in all such cases the said court shall, in its judgment, maintaining said rate, charge, rule, regulation, order or decision, enter upon a decree and judgment against the plaintiff therein, condemning such plaintiff to pay to the State of Louisiana the amount of the said penalty of forfeiture so found and adjudged by it, which amount, after deducting therefrom the attorney's fees provided by this Constitution, shall, when collected, be paid into the State treasury for account of the General School Fund of the State. The power and authority of the commission shall affect and include not only the transportation of passengers, freight, express matter, and telegraph and telephone messages between points within this State, and the use of such instruments within this State, but shall also affect and include all matters and things connected with and concerning the service to be given by railroad, express, telephone, telegraph, steamboat and other water craft, and sleeping car companies, and corporations in the State, and their operations within the State.

ART. 287. Until otherwise provided by law, the members of the commissions shall each receive a salary of three thousand dollars per annum, payable monthly on his own warrant, and their actual traveling expenses, and those of their secretary; which expenses and the salary of the secretary shall be paid on the warrant of the chairman of the commission on a sworn statement of their correctness.

Nothing herein shall prevent railroad, express, telegraph, telephone and steamboat or other water craft, or other companies, from serving free of cost, or at reduced rate, the State or any city, parish, or town government, or any charitable purpose, or the issuance or exposition, or any destitute or indigent person or the issuance of mileage or excursion tickets; nor to prevent railroads, steamboats or other water craft from giving free transportation to ministers of religion, or inmates of hospitals, or to railroad officers, agents, employees, attorneys, stockholders or directors, or to officers and employees of the departments or institutions of this State established and created for the dissemination of knowledge relating to scientific agriculture, provided, that said officers and employees of agricultural departments and institutions use such free transportation solely in the discharge of their official duties.[23]

ART. 288. The General Assembly may add to or enlarge the powers and duties of said commission, or confer other powers and duties on them and may also provide additional clerical or other assistance that may be deemed necessary for the discharge of the duties of said commission, and may add other penalties to make the work of said commission effective.

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[23]Amendment proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. The text of the original Article is as follows:

Art. 287. Until otherwise provided by law, the members of the commission shall each receive a salary of three thousand dollars per annum, payable monthly on his own warrant, and their actual traveling expenses, and those of their secretary; which expenses, and the salary of the secretary, shall be paid on the warrant of the chairman of the commission on a sworn statement of their correctness.

Nothing herein shall prevent railroad, express, telegraph, telephone and steamboat or other water craft, or other companies, from serving free of cost, or at reduced rates, the state or any city, parish, or town government, or any charitable purpose, or any fair or exposition, or any destitute or indigent person, or the issuance of mileage or excursion tickets; nor to prevent railroads, steamboats or other water craft, from giving free transportation to ministers of religion, or inmates of hospitals, or to railroad officers, agents, employees, attorneys, stockholders or directors, unless otherwise provided by this constitution.

It shall be the duty of the Attorney-General and the various District Attorneys, to aid said Commission in all legal matters, for which they shall receive not exceeding 25 per cent of all fines and forfeitures collected by them; provided, the Commission may employ other attorneys in lieu of these officers on like terms.

No person in the service of, or attorney for, any railway, express, telephone, telegraph, steamboat, or other water craft, sleeping car company or corporation, or pecuniarily interested in such companies or corporation, shall hold the office of commissioner.

The fines collected, after paying the attorneys' fees and the costs in suits, in which the Commission may be cast for costs, shall be paid into the State treasury.

ART. 289. The State is hereby divided into three Railway Commission Districts, and one Commissioner shall be elected from each of said districts by a plurality of the voters of the respective districts. The First District shall comprise the parishes of Orleans, Plaquemines, St. Bernard, Jefferson, St. Charles, St. John the Baptist and St. James. The Second District shall comprise the parishes of Iberville, Ascension, Assumption, Lafourche, Terrebonne, St. Mary, Iberia, St. Martin, Lafayette, Vermilion, Cameron, Allen, Beauregard, Jefferson Davis, Calcasieu, Avoyelles, St. Landry, Evangeline, Pointe Coupee, West Feliciana, East Feliciana, West Baton Rouge, East Baton Rouge, St. Helena, Livingston, Tangipahoa, Washington, St. Tammany and Acadia. The Third District shall comprise the parishes of Rapides, Vernon, Sabine, Grant, Natchitoches, Winn, Red River, DeSoto, Caddo, Bossier, Webster, Bienville, Concordia, Caldwell, Franklin, Tensas, Madison, Richland, Ouachita, Jackson, Lincoln, Union, Morehouse, East Carroll, West Carroll, Claiborne, La Salle and Catahoula.

RIPARIAN RIGHTS.

ART. 290. Riparian owners of property on navigable rivers, lakes, and streams, within any city or town in this State having a population in excess of five thousand shall have the right to erect and maintain on the batture or banks owned by them, such wharves, buildings and improvements as may be required for the purposes of commerce and navigation, subject to the following conditions, and not otherwise, to-wit: Such owners shall first obtain the consent of the council, or other governing authority, and of the Board of Levee Commissioners, within whose municipal or levee district jurisdiction such wharves, buildings, and improvements are to be erected, and such consent having been obtained, shall erect the same in conformity to plans and specifications which shall have been first submitted to, and approved by the engineer of such council, or other governing authority; and when so erected, such wharves, buildings, and improvements shall be, and remain, subject to the administration and control of such council, or other governing authority, with respect to their maintenance and to the fees and charges to be exacted for their use by the public, whenever any fee or charge is authorized to be and is made; and shall be and remain subject to the control of such Board of Levee Commissioners, in so far as may be necessary for the maintenance and administration of the levees in its jurisdiction. The council, or other governing authority, shall have the right to expropriate such wharves, buildings and improvements, whenever necessary for public purposes, upon reimbursing the owner the cost of construction, less such depreciation as may have resulted from time and decay; such reimbursement, however, in no case to exceed the actual market value of the property. Provided, that nothing in this article shall be construed as affecting the right of the State, or of any political subdivision thereof, or of the several Boards of Levee Commissioners to appropriate without compensation such wharves, buildings, and improvements, when necessary for levee purposes.

PUBLIC ROADS.

ART. 291. A special tax of one-fourth of one mill on the dollar on the assessed value of all property assessed for State taxation in the State of

Louisiana is hereby assessed and levied, to be collected in the same manner and upon the same terms and conditions that other State taxes are assessed and collected, for the purpose of creating a Road Fund with which to construct and keep in repair the State highways or public roads throughout the State with the necessary culverts, bridges and drains and all other appurtenances incident and accessory thereto.

This tax shall be considered a part of the present six-mill tax authorized to be levied by this Constitution.

This Article shall be self-operative.

ART. 292. The Police Juries of this State may form their respective parishes into road districts; and in order to raise funds for the purpose of constructing, maintaining and repairing the public roads and bridges of their parishes, they are authorized to set aside at least one mill per annum of the taxes levied by them, and to impose a per capita tax of not more than one dollar per annum upon each able-bodied male inhabitant of the parish between the ages of eighteen and fifty-five years, and levy an annual license of not less than twenty-five (25c) cents nor more than one dollar upon each vehicle, including bicycles, kept within said parishes or within a municipality thereof whether or not exempt in its charter from parochial taxation, and used for locomotion over public roads, in their respective parishes; which license shall be graduated. The provisions of this article relative to the per capita tax shall not be operative in incorporated towns and cities that maintain their own streets.

To carry into effect the provisions of this Article the Police Juries may enact such ordinances of a civil nature as may be necessary to enforce the property and license tax, and of a criminal nature to enforce the per capita tax.

Police Juries and municipal corporations in the several parishes of this State may levy other taxes for the construction and maintenance of public roads and bridges within the territorial limits of said parishes, and may incur debt, and issue negotiable bonds therefor in the manner and to the extent authorized under the provisions of Articles 232 and 281 of this Constitution and the Statutes adopted to carry them into effect. This Article shall be self-operative.

When any parish shall avail itself of the provisions of this article, the judge, in passing sentence on persons convicted of any offense, when the punishment imposed by law is imprisonment in the parish jail in the first instance, or in default of payment of fine, may sentence such persons to work on the public roads and bridges and any other public works of the parish; and when the punishment prescribed by law is imprisonment in the penitentiary, he may sentence the persons so convicted to work on the public roads and bridges and other public works of the parish where the crime was committed, if the sentence actually imposed does not exceed six months. All fines and penalties imposed on persons for infringement of any ordinance relative to roads and bridges, shall go, when collected, into the road and bridge fund of the parish.

ART. 293. The Police Jury shall relieve from compulsory road duty all persons who have paid the road and bridge tax and license levied against them.

ART. 294. The State Board of Engineers, whenever called on so to do, shall furnish the different road districts with plans and specifications for public roads, and such assistance and advice as will tend to create a uniform system of public roads throughout the State.

BOARD OF CHARITIES AND CORRECTIONS.

ART. 295. The Board of Charities and Corrections, consisting of six members, appointed by the Governor each for a term of six years, except in case of vacancy in office when the appointments shall be merely for the unexpired term, with the Governor as ex-officio chairman, shall remain as presently constituted.

The members of the board shall serve without compensation, and shall be

authorized to elect a secretary, who shall receive such salary as may be fixed by the General Assembly. The State shall provide an office for said board and the General Assembly shall make provision for its expenses.

The duties of the board shall be strictly visitorial, without administrative or executive powers. It shall visit and inspect all State, parish or municipal institutions which are of a charitable, eleemosynary, correctional, or reformatory character, and all private institutions of like character utilized or aided by parochial or municipal authority, and all private insane asylums, whether so utilized or aided or not.

The board shall report annually to the Governor, and to the General Assembly at each session thereof the actual condition of all the above institutions. The Board shall make such suggestions to the Governor and General Assembly as may be necessary and pertinent; provided, said suggestions are concurred in by a majority of the members of the board in control of each of said institutions. The officers in charge of said institutions shall furnish the board such information and statistics as it may require.

BOARDS OF HEALTH AND STATE MEDICINE.

ART. 296. The General Assembly shall create for the State, and for each parish and municipality therein, Boards of Health, and shall define their duties, and prescribe the powers thereof. The State Board of Health shall be composed of representative physicians from the various sections of the State.

ART. 297. The General Assembly shall provide for the interest of State medicine in all its departments; for the protection of the people from unqualified practitioners of medicine, and dentistry; for protecting confidential communications made to medical men by their patients while under professional treatment and for the purpose of such treatment; for protecting the people against the sale of injurious or adulterated drugs, foods and drinks, and against any and all adulterations of the general necessaries of life of whatever kinds and character.

MILITIA.

ART. 298. The General Assembly shall have authority to provide by law how the militia of this State shall be organized, officered, trained, armed and equipped, and of whom it shall consist.

ART. 299. The officers and men of the militia and volunteer forces shall receive no pay, rations or emoluments when not in active service by authority of the State.

ART. 300. The General Assembly may exempt from military service those who belong to religious societies whose tenets forbid them to bear arms; provided, a money equivalent for these services shall be exacted.

ART. 301. The Governor shall have power to call the militia into active service for the preservation of law and order, or when the public service may require it; provided, that the police force of any city, town or parish, shall not be organized or used as a part of the State militia.

PENSIONS.

ART. 302. The Soldiers' Home of the State of Louisiana, known as Camp Nicholls, shall be maintained by the State, and the General Assembly shall make an appropriation for each year based upon the number of inmates in said home on the first day of April of the year in which said appropriation is made, of one hundred and thirty dollars per capita, for the maintenance and clothing of such inmates from which two dollars per month shall be allowed to each inmate for his personal use, and shall make such further appropriations for buildings, repairs, and incidentals, as may be absolutely necessary.

ART. 303. A pension of like amount not to exceed Twenty-Five Dollars ($25.00) per month shall be allowed to each Confederate soldier or sailor veteran who possesses all of the following qualifications:—

1. He shall have served honorably from the date of his enlistment until the close of the late Civil War, or until he was discharged or paroled, in some

military organization regularly mustered into the Army or Navy of the Confederate States and shall have remained true to the Confederate States until the Surrender.

2. He shall not own property of more than two thousand dollars valuation.

3. He shall not be salaried or otherwise provided for by the State of Louisiana, or by any other State or Government. In case he enlisted in any organization mustered into said service as a Louisiana organization, or in case at the date of his enlistment he resided in the State of Louisiana, he shall have resided in this State for at least five years prior to his application for pension. In case he resided elsewhere than in this State, and enlisted in an organization not mustered in from Louisiana, or in the Navy of the Confederate States, he shall have resided in this State for at least five years prior to his application for such pension. A like pension shall be granted to the widow who shall not have married again, in indigent circumstances, of such soldier or sailor whose marriage to her was contracted prior to January, 1895; provided that if her deceased husband served in an organization, mustered in from Louisiana, or if he resided in Louisiana, at the date of his enlistment, then in order that such widow shall be entitled to the pension as herein provided, she shall have resided in this State for at least five years prior to her application therefor; and if her deceased husband enlisted elsewhere than in Louisiana, and served in an organization not mustered in from Louisiana, such widow shall, in order to entitle her to a pension as herein provided, have resided in this State for not less than five years prior to her application for such pension; provided further that all widows who married Confederate soldiers or sailors a second time shall not be debarred from the benefits of this Act but be entitled to a pension on the same terms as other widows of deceased Confederate soldiers or sailors; provided further, that pensions whether to veterans or to widows shall be allowed only from the date of application under this Article, and the total appropriations for all pensions in any one year shall be the proceeds of the annual one mill tax hereby levied on all taxable property in the State, provided said appropriations shall never be more than an amount sufficient to pay all pensions for any one year. Any accruing surplus from said tax fund shall be held as an accumulating fund for the Confederate Veterans to be appropriated by the General Assembly for their use and benefit as the General Assembly may in future determine, and the collection of any other tax or the making of any appropriation for pensions in excess of the amount of the one mill tax levied and collected and to be known as "Confederate Veteran Pension Fund" is hereby prohibited and said fund is to be used for no other purpose than that herein stipulated; and upon the adoption of this Amendment same shall at once become self operative and the funds derived therefrom be immediately used for said purpose, and provided further that the tax collectors and assessors shall receive no commissions for assessing and collecting said one mill tax herein provided.

Provided that nothing in this Article shall be construed so as to prohibit the General Assembly from providing artificial limbs to disabled Confederate Soldiers or Sailors.[24]

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[24]Article 303 has been amended twice; the first amendment was proposed by the general assembly of 1914 and was ratified at the election of November 3, 1914; the second amendment was proposed by the general assembly of 1916 and was ratified at the election of November 7, 1916. The text of the original Article is as follows:

Art. 303. A pension not to exceed eight dollars ($8) per month shall be allowed to each Confederate soldier or sailor veteran who possesses all the following qualifications:

1. He shall have served honorably from the date of his enlistment until the close of the late Civil war, or until he was discharged or paroled, in some military organization regularly mustered into the army or navy of the Confederate states, and shall have remained true to the Confederate states until the surrender.

2. He shall not own property of more than one thousand dollars valuation and he shall not be physically able to earn a livelihood by his own labor.

3. He shall not be salaried or otherwise provided for by the State of Louisiana or by any other state or government. In case he enlisted in any organization mustered into said service as a Louisiana organization, or in case at the date of his enlistment he resided in the State of Louisiana, he shall have resided in this

ART. 304. The General Assembly shall appropriate not less than twelve hundred dollars per annum for the maintenance in New Orleans of a memorial hall or repository for the collection and preservation of relics and mementoes of the late Civil War, and of other objects of interest, and shall be authorized

state for at least five years prior to his application for pension. In case he resided elsewhere than in this state, and enlisted in an organization not mustered in from Louisiana, or in the navy of the Confederate states, he shall have resided in this state for at least fifteen years prior to his application for such pension. A like pension shall be granted to the widow in indigent circumstances, of such soldier or sailor whose marriage to her was contracted prior to January 1, 1885, and who shall not have married again; provided, that if her deceased husband served in an organization, mustered in from Louisiana, or if he resided in Louisiana at the date of his enlistment, then in order that such widow shall be entitled to the pension as herein provided, she shall have resided in this state for at least five years prior to her application therefor; and if her deceased husband enlisted elsewhere than in Louisiana, and served in an organization not mustered in from Louisiana, such widow shall, in order to entitle her to a pension as herein provided, have resided in this state for not less than fifteen years prior to her application for such pension; provided further, that pensions whether to veterans or to widows, shall be allowed only from the date of application under this Article, and the total appropriations for all pensions in any one year shall be the proceeds of an annual one mill tax, which is hereby levied on all taxable property in the state, provided said appropriation shall never be more than five hundred and fifty thousand dollars for any one year. Any accruing surplus from said tax fund shall be turned over to the common school fund; and the collection of any other tax or the making of any appropriation for pensions in excess of the amount of the one mill tax levied and collected and to be known as "Confederate Veteran Pension Fund," is hereby prohibited; and provided further, that the tax collectors and assessors shall receive no commissions for assessing and collecting said one mill tax herein provided. Provided that nothing in this Article shall be construed so as to prohibit the general assembly from providing artificial limbs to disabled Confederate soldiers or sailors.

The text of the amendment of 1914 is as follows:

Article 303. A pension not to exceed eight dollars ($8.00) per month shall be allowed to each Confederate soldier or sailor veteran who passes all the following qualifications:

1. He shall have served honorably from the date of his enlistment until the close of the Civil War, or until he was discharged or paroled, in some military organization regularly mustered into the army or navy of the Confederate States, and shall have remained true to the Confederate States until the surrender.

2. He shall not own property of more than two thousand dollars ($2,000).

3. He shall not be salaried or otherwise provided for by the state of Louisiana or by any other state or government. In case he enlisted in any organization mustered into said service as a Louisiana organization, or in case at the date of his enlistment he resided in the state of Louisiana, he shall have resided in this state for at least five years prior to his application for pension. In case he resided elsewhere than in this state, and enlisted in an organization not mustered in from Louisiana, or in the navy of the Confederate States, he shall have resided in this state for at least five years prior to his application for such pension. A like pension shall be granted to the widow who shall not have married again, in indigent circumstances, of such soldier or sailor whose marriage to her was contracted prior to January 1, 1890; provided that if her deceased husband served in an organization mustered in from Louisiana, or if he resided in Louisiana, at the date of his enlistment, then in order that such widow shall be entitled to the pension as herein provided, she shall have resided in this state for at least five years prior to her application therefor; and if her deceased husband enlisted elsewhere than in Louisiana, and served in an organization not mustered in from Louisiana, such widow shall, in order to entitle her to a pension as herein provided, have resided in this state for not less than five years prior to her application for such pension; provided further that all widows who married Confederate soldiers or sailors a second time shall not be debarred from benefits of this Act but be entitled to a pension on same terms as other widows of deceased Confederate soldiers or sailors; provided further, that pensions whether to veterans or to widows, shall be allowed only from the date of application under this Article, and the total appropriations for all pensions, in any one year shall be the proceeds of the annual one mill tax, provided said appropriations shall never be more than five hundred and fifty thousand dollars for any one year which is hereby levied on all taxable property in the state. Any accruing surplus from said tax funds shall be turned over to the common school fund and prohibiting the collection of any other tax of making any appropriation in excess of the amount of the one mill tax levied and collected and to be known as "Confederate Veteran Pension Fund" and to be used for no other purpose, and upon the adoption of this Amendment same shall at once become self-operative and the funds derived therefrom immediately used for said purpose, and provided further that the tax collectors and assessors shall receive no commissions for assessing and collecting said one mill tax herein provided. Provided that nothing in this Article shall be construed so as to prohibit the general assembly from providing artificial limbs to disabled Confederate soldiers or sailors.

to make suitable appropriations for the erection of monuments and markers on the battlefields of the country, commemorative of the services, upon such fields, of Louisiana soldiers and commands.

AGRICULTURE AND IMMIGRATION.

ART. 305. The existing Bureau of Agriculture and Immigration shall hereafter be known as the Louisiana State Board of Agriculture and Immigration, and shall be recognized as an integral part of the State government.

ART. 306. The Louisiana State Board of Agriculture and Immigration shall have the control and direction of all State agricultural organizations and State Farmers' Institutes, and shall adopt the needful measures for the securement of proper immigration.

It shall also encourage State, district and parish fairs and local agricultural organizations; and shall maintain effective control of the manufacture or sale, in this State, of fertilizers and Paris Green and for the suppression of adulteration and fraud therein. It shall perform such other duties and shall have such other powers as shall be prescribed by the General Assembly.

ART. 307. The State Board of Agriculture and Immigration shall consist of one member from each Congressional district, appointed by the Governor, by and with the advice and consent of the Senate, from men engaged in the leading agricultural interests of the State; the said members to hold their offices for six years, or until their successors are appointed. The Governor of the State, the Commissioner of Agriculture and Immigration, the President of the Louisiana State University and Agricultural and Mechanical College, the Vice President of the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College, and the Director of the State experimental stations are and shall be ex-officio members of this board. The members of said board shall serve without compensation, except actual expenses incurred in attending the meetings.

ART. 308. The paramount importance of our agricultural interests, and the necessity of peopling with a desirable population the vast unoccupied areas of our fertile lands, require an enlargement of the duties and an expansion of the scope of the work of this board, for which the General Assembly shall enact such laws as may be necessary to carry out the provisions of this Title.

CITY OF NEW ORLEANS.

ART. 309. There shall be seven assessors in the City of New Orleans, who together shall compose the Board of Assessors for the Parish of Orleans. One shall be elected from each municipal district of the City of New Orleans, and they shall be residents of the districts from which they are elected. Their terms shall be four years and the election shall be held at the same time as the parochial officers of the City of New Orleans and the Parish of Orleans are elected.

There shall be one State tax collector for the City of New Orleans, who shall be elected for the term of four (4) years. He shall receive a salary of five thousand dollars per annum, payable monthly. The fees received from delinquent tax debtors, as also the fee of one ($1.00) dollar charged for tax research certificates to the person applying for same, shall be turned over to the State treasury.

The General Assembly shall appropriate such sum as may be necessary for the payment of the clerical expenses, rent, furniture and porterage for the office of said tax collector; provided, however, that the total amount of said appropriation shall not exceed the sum of thirty-five thousand ($35,000) dollars per annum; and, provided further, that said appropriation shall be by items, showing the particular use to which such appropriated funds shall be applied.

ART. 310. There shall be one coroner for the Parish of Orleans, who shall be elected for four years by the qualified electors of said parish, and whose duties shall be fixed by law. He shall be *ex-officio* city physician of the City of New Orleans, and shall receive an annual salary of forty-eight hundred

dollars. He shall be a practicing physician of said city and a graduate of the medical department of some university of recognized standing. He shall appoint two assistants, having the same qualifications as himself; one at an annual salary of twenty-six hundred dollars, and one at an annual salary of six hundred dollars.

ART. 311. The assistant, whose salary is hereby fixed at six hundred dollars, shall be a resident of the Fifth district of the City of New Orleans and shall have his office in said district.

The assistant, whose salary is fixed at twenty-six hundred dollars, shall be a resident of that portion of the City of New Orleans lying on the left bank of the Mississippi river.

The salaries of the coroner and his assistants shall be paid by the City of New Orleans.

ART. 312. Any person whose property may be appropriated by the Orleans Levee Board for levee purposes, shall have a right of action against said board in any court of competent jurisdiction for the value of said property, and whatever judgment may be finally rendered against the board shall be paid out of the taxes collected by it in the same manner as other disbursements are made; provided, that this shall not apply to batture property, nor to vacant property, where only a part thereof has been taken for levee purposes, and where the effect of the levee building would be to protect the remaining part of the same property; nor to any property on any part of the river front, the administration and control of which is vested, for the purposes of commerce, either in the State or city authorities, and on which improvements have been erected under grants from the City of New Orleans, or other authority, nor to the said improvements; provided, that said board shall have power to appropriate property subject to such servitude, for levee building, as under existing laws, without making such compensation in advance

ART. 313. The special tax for public improvements, voted by the property tax-payers of the City of New Orleans, on June 6, 1899, and levied by the City Council by Ordinance No. 15,391, approved June 22, 1899, is hereby ratified, and its validity shall never be questioned. The Special Act adopted by the Legislature at the special session held on August 8, 1899, constituting the Sewerage and Water Board of the City of New Orleans, authorizing the City of New Orleans to issue bonds and providing the means to pay the principal and interest thereof, and for other purposes cognate to the purposes of the special tax aforesaid is hereby ratified and approved, specially including therein reserved legislative right to amend the same; with the exception that in fixing the rates to be charged private consumers of water, taken from the public water supply of the City of New Orleans, the Sewerage and Water Board shall base said rates, so as to provide for the maintenance and operation of the said water system and the public and private supply therefrom, and the cost of maintenance and operation of the public sewerage system; and the City of New Orleans shall be hereafter relieved of the duty of providing in its Annual Budget or otherwise for the maintenance and operation of the sewerage and water systems; and the said Board shall be authorized to use the collections from water rates charged to private consumers for the maintenance and operation of the public water system, and the public and private supply therefrom, and the cost of maintenance and operation of the public sewerage system and the creation of a sinking fund for an ultimate renewal of said systems; and any surplus existing, after providing for the uses aforesaid, may be used for the maintenance and operation of the public drainage system; provided that the rates charged private consumers shall never exceed the total rates charged private consumers by the Sewerage and Water Board, in force November 1, 1913.

ART. 314. The Sewerage and Water Board shall have authority, by a two-third vote of the members thereof, to grant a salary to the President Pro-Tempore of said Board, and to fix the amount thereof.

ART. 315. The provisions of Act 19 of 1906, and of Act 116 of 1908, relating to the issuance by the City of New Orleans of New Public Improve-

ment Bonds to the extent of Eight Million Dollars, are also ratified and approved, and the respective amendments to the Constitution carrying same into effect are reaffirmed.

ART. 316. The Sewerage and Water Board of the City of New Orleans shall have authority until September 1st, 1914, to do all construction work with the forces of the Board, or to let same by contract, as provided by Act 6 of the Special Session of 1899; provided that whenever the particular work to be done exceeds in cost the sum of twenty-five thousand ($25,000.00) dollars, the same shall be let by contract, to the lowest bidder, in the manner provided by said Act.

The General Assembly at its regular session to be held in May, 1914, shall determine whether the permission herein given to said Sewerage and Water Board shall continue after the date hereinabove fixed.

ART. 317. The provisions of the amendment embodied in joint resolution of the General Assembly No. 110, approved July 8th, 1890, and thereafter ratified by the people and made part of the Constitution, are recognized as of full force and effect; the authority conferred upon the City of New Orleans and upon the Board of Liquidation of the City Debt, with respect to the issuance of constitutional bonds of the City of New Orleans, and to the levy and collection of a special ad valorem tax of one per cent. upon all the taxable property, real, personal and mixed, in said city, for the payment of said bonds, in principal and interest, and with respect to the manner of such payment, is confirmed, as are also all rights vested by said amendment in the present and future holders of said bonds; and no limitations imposed by other provisions of this Constitution upon the authority of the City of New Orleans shall be held to include, apply to, or affect the taxing power herein contemplated and confirmed.

ART. 318. The City of New Orleans, through the Board of Liquidation of the City Debt, shall have authority to issue registered bonds, and to authorize the exchange of registered bonds, for equal amounts of outstanding four per cent. coupon bonds of the City of New Orleans, having the same time to run and at the same rate of interest, and provide for their registration and payment of interest. All registered bonds issued by the City of New Orleans as herein provided shall have the same guarantees, and the holders of said bonds shall have the same privileges as are now secured by said act to the holders of coupon bonds. Said registered bonds shall be denominated "Registered Constitutional Bonds of the City of New Orleans, Authorized by Act No. 110 of 1890."

[ART. 318a]. SECTION 1. The City of New Orleans, by a vote of three-fourths of all the members of the Board of Liquidation, City Debt, approved by resolution of the Commission Council, or its successor as the governing body of said municipality, adopted by a vote of two-thirds of all the members of said council or governing body, shall have power and is hereby authorized to issue Nine Million Dollars ($9,000,000) of bonds, to be styled "City of New Orleans Serial Gold Bonds," and to bear such rate of interest as the Board of Liquidation, City Debt, may fix from time to time as each installment of said bonds is offered for sale as hereinafter provided.

SEC. 2. Three Million Dollars ($3,000,000), in par value, of the bonds authorized by Section 1 of this amendment shall forthwith be sold.

The proceeds of said three million dollars of bonds shall be applied exclusively to the following purposes and in the following order:

(a) The payment of the outstanding and unpaid "School Teachers' Salary Bonds of the City of New Orleans," issued under Act No. 2 of the General Assembly of the State of Louisiana for the year 1906, which bonds shall be called for payment and paid as soon as practicable;

(b) The payment of the principal of the floating indebtedness of the Board of Directors of the Public Schools, Parish of Orleans, evidenced by note or notes outstanding at the time of the adoption of this amendment to an amount not exceeding Six Hundred and Fifty Thousand Dollars ($650,000); provided that, in the event that said indebtedness or any part thereof shall have been paid by said Board out of its current revenues previous to the

adoption of this amendment, the amount thus paid (not to exceed $650,000, however) shall be paid over in cash to said Board to be used by it for school purposes, as provided by law;

(c) The payment of the sum of Five Hundred Thousand Dollars ($500,000), with interest thereon, borrowed by the City of New Orleans for storm emergency purposes in the year 1915;

(d) The payment of the overdraft or other indebtedness due by the City of New Orleans to its fiscal agents or other banks representing loans or advances made by them to said city, other than those referred to in paragraph (c) of this section, to an amount not exceeding in principal and interest the sum of One Million Three Hundred and Fifty Thousand Dollars ($1,350,000); and

(e) The balance of said proceeds shall be used and employed by the Board of Liquidation, City Debt, for the payment of Public Improvement Certificates of the City of New Orleans, as set forth in Section 3 of this amendment.

SEC. 3. The remainder of the bonds authorized in Section 1 of this amendment, or so much thereof as may be necessary, shall be sold, from time to time, in such amounts as the Board of Liquidation, City Debt, may determine, and the proceeds of the sale thereof shall be applied by said Board to the payment of Public Improvement Certificates authorized by Act No. 56 of the General Assembly of the State of Louisiana for the year 1908, and acts amendatory thereof, and presently outstanding or issued at any time in payment of any contract made before this amendment takes effect, at their respective maturities or when said maturities can be anticipated upon terms satisafctory to said Board.

Said Act No. 56 of 1908 and all amendments thereof, as well as all statutes upon the same subject, and so much of Acts No. 128 and No. 270 of the General Assembly of the State of Louisiana for the year 1910, and other statutes on the same subject matter, as may affect, apply or pertain to the City of New Orleans, be and the same are hereby repealed; nevertheless Public Improvement Certificates may be issued in the manner provided by said Act No. 56 of 1908, and amendments thereof, in payment of any contract made before this amendment takes effect.

SEC. 4. The City of New Orleans may also issue and negotiate its bonds when authorized by a vote of a majority in number and amount of the property taxpayers, who shall have been assessed for property in said city as shown by the last assessment made prior to the submission of the proposition to the said property taxpayers and who are otherwise qualified to vote under the Constitution and laws of this State, voting at an election called by ordinance adopted by a vote of two-thirds of all the members of the Commission Council, or its successor as the governing body of said City of New Orleans, and which ordinance before any such election is ordered shall be also adopted by a vote of three-fourths of all the members of the Board of Liquidation, City Debt. Due notice of said election shall be published for thirty days in the official journal of said city (four weekly insertions of said notice constituting a publication for thirty days, provided thirty days intervene between the date of the first insertion and the date of said election).

No bonds shall be issued under this section for any other purpose or for any greater amount than that stated in the submission of the proposition to said taxpayers.

SEC. 5. In case of fire, flood, pestilence, storm or other public calamity, the City of New Orleans shall have power, by a two-thirds vote of all the members of the Commission Council, or its successor as the governing body of said city, concurred in by a three-fourths vote of all the members of the Board of Liquidation, City Debt, to borrow money and issue and negotiate bonds in such sum, not exceeding Five Hundred Thousand Dollars ($500,000), as shall be necessary in any one such emergency.

SEC. 6. For the purpose of refunding all or any part of the bonded indebtedness of the City of New Orleans existing at the time of the adoption of this amendment, bonds may from time to time be issued and negotiated.

When any of the issues of the bonds of said city outstanding at the time of the adoption of this amendment shall become callable according to their terms or the statutes under which they are respectively issued, or when the consent of all the holders of any such issue of bonds can be secured, the Board of Liquidation, City Debt, shall have the right in its discretion to call and pay any one or more of said issues of bonds, and shall be authorized by resolution duly adopted to issue and negotiate bonds to provide the funds necessary for that purpose; provided, however, that in no event shall the par value of the bonds so sold and negotiated exceed the par value of the bonded indebtedness thereby to be refunded.

SEC. 7. The full faith and credit of the City of New Orleans are pledged for the payment of the principal and interest of all bonds issued under this amendment.

The principal and interest of all bonds authorized by and to be issued under this amendment shall be paid primarily out of (1) that one-half of the surplus of the one per cent debt tax which heretofore has been dedicated for the support and maintenance of the public schools of said city, as levied under and authorized by Act No. 110 of the General Assembly of the State of Louisiana for the year 1890, and subsequently made part of the Constitution of this State, and (2) after January 1, 1928, that portion of the one per cent debt tax, authorized and levied under Act No. 110 aforesaid, and the two-mill tax authorized by and levied under Act No. 6 of the General Assembly of the State of Louisiana for the year 1899 which shall have been released and freed from dedication either by the calling and refunding or the payment in due course of all or any part of the bonds existing at the time of the adoption of this amendment; provided that, if the funds derived from the sources aforesaid shall be insufficient in any one year to pay the principal and interest of the bonds issued under this amendment and then outstanding and unpaid, or if for any cause there shall not be funds appropriated to or available for such purpose, the City of New Orleans shall levy a tax upon all taxable property in said city sufficient to provide for any such deficiency; and provided further that, when the aforesaid one per cent debt tax and two mill water and sewer tax shall cease to be levied, the City of New Orleans shall levy a tax upon all taxable property in said city sufficient to pay the principal and interest of said bonds as they respectively become due.

SEC. 8. It is hereby intended that all existing dedications and appropriations of said one per cent debt tax authorized by said Act No. 110 of 1890 (except with respect to the said one-half of the surplus of the one per cent debt tax therein dedicated to public schools), and of said two-mill water and sewer tax, authorized by said Act No. 6 of 1899, shall be respected and performed according to the priorities of said statutes established; that all of that portion of the funds resulting from the levy of said taxes which shall be released from said appropriations and dedications by the payment, satisfaction or refunding of any of the bonded debt obligations now charged thereon and there-against shall, together with the one-half of the surplus of the one per cent debt tax heretofore dedicated to public school purposes, be used and applied to the payment of the principal and interest of all bonds issued under this amendment; that any residue thereof remaining after the payment of the principal and interest in any one year of bonds authorized by this amendment shall be turned over to the City of New Orleans to be used by it for general municipal purposes; but when, and to the extent that, the obligations now charged on said taxes shall be paid, satisfied or refunded, said taxes shall be released from said obligations, and, ultimately, when entirely released and discharged, shall cease to be levied; and, that, thereafter, any and all bonds issued under this amendment shall be provided for by a tax upon all taxable property in the City of New Orleans sufficient to pay the principal and interest of said bonds as they respectively become due; provided, however, that, in the event the funds hereinabove specially dedicated for the payment of the principal and interest of the bonds issued under this amendment should prove insufficient, the City of New Orleans shall, and it is hereby required to, levy

in every such instance a tax upon all taxable property in the City of New Orleans necessary to pay the principal and interest of said bonds.

SEC. 9. The principal and interest of all bonds authorized by this amendment shall be payable in gold coin of the United States of America, or its equivalent, of the standard of weight and fineness at the time of the issuance of each installment of said bonds.

Said bonds shall be exempt from all taxation for State, parish, municipal or other local purposes.

Savings banks, tutors of minors, curators of interdicts, trustees and other fiduciaries may invest the funds in their hands in said bonds.

Said bonds may be used for deposit with any officer, board, municipality or other political subdivision of the State of Louisiana in any case where by present or future laws deposit or security is required.

Said bonds may be registered and released from registry under such rules as the Board of Liquidation, City Debt, may prescribe.

SEC. 10. All bonds issued under this amendment shall bear such rate of interest or, from time to time, different rates of interest, and shall, except as herein otherwise specially provided, be in such form, terms and denominations, and payable at such times and places, within a period of not exceeding fifty years from the date thereof, as the Board of Liquidation, City Debt, shall determine. Said bonds shall be issued in serial form and shall be payable in annual installments, commencing not more than two years from their respective dates, and the installment payable in each year shall be so fixed that, when the annual interest is added thereto, the several annual total amounts of principal and interest to be paid shall be as nearly equal as practicable; provided, said installments may be fixed at five thousand dollars or the nearest multiple thereof.

Said bonds shall be signed by the Mayor and the Commissioner of Public Finance of the City of New Orleans, or officers exercising similar functions, and countersigned by the President or Vice-President and the Secretary or Assistant Secretary of the Board of Liquidation, City Debt, and the coupons attached to said bonds shall bear the fac-simile signatures of said Commissioner of Public Finance and said Secretary or Assistant Secretary. In case any such officer whose signature or counter-signature appears upon such a bond or coupon shall cease to be such officer before delivery of said bonds or coupon to the purchaser, such signature or counter-signature shall nevertheless be valid for all purposes. The cost and expense of preparing and selling said bonds shall be paid for by the Board of Liquidation, City Debt.

SEC. 11. All bonds issued under this amendment shall be sold by the Board of Liquidation, City Debt, to the highest bidder or bidders by sealed proposals after due advertisement of not less than five insertions in the official journal of the City of New Orleans (the first insertion to be at least fifteen days prior to the date of sale), and such other advertisements, in said city or elsewhere, as said Board of Liquidation may in its discretion direct; provided, said Board of Liquidation may reject any and all bids.

SEC. 12. Except as otherwise provided in this amendment, the City of New Orleans shall not borrow money, issue bonds, notes or other evidences of indebtedness or pledge its credit or anticipate the collection of any of its taxes.

No money shall be drawn from the treasury of said city without specific appropriation therefor previously made, nor shall said city make any contract or incur any debt or obligation for any purpose whatsoever unless sufficient funds, not otherwise appropriated, to pay and discharge same are actually in the treasury of said city at the time of making the contract or incurring the debt or obligation and are specifically set aside and dedicated to said purpose, unless herein otherwise provided. The foregoing limitation and restriction shall not apply or be held to apply to contracts or obligation incurred with respect to the furnishing to said city of light, heat or power, water, telephone service or garbage removal or destruction.

The said city may in any calendar year in anticipation of the collection of the taxes of such calendar year, and for the purposes for which such taxes

are levied, borrow such sums as shall not be in excess of the amount of its uncollected taxes of such year, and may issue its notes or other evidences of indebtedness therefor, and such sum, notes or other evidences of indebtedness shall be payable only out of the taxes of the calendar year in which said loan or loans are first made, and for which indebtedness said revenues shall be pledged, and said indebtedness shall not be payable out of any other funds or moneys whatsoever. No money shall be borrowed by the said city except for current municipal purposes, and in no event shall any money be borrowed by said city to make or to pay for works of public improvement. Said city may issue for street paving purposes certificates on its faith and credit pursuant to legislative authority, to an amount not in excess of any special assessments which have been or shall be made for such purposes. Such paving certificates hereafter issued shall be chargeable primarily against the special assessments in respect of which they are issued, and secondarily against the revenues of the City of New Orleans derived from taxation for general municipal purposes and from sources other than the taxes for the payment of the principal and interest of the bonds now outstanding or hereafter to be issued under this amendment, which revenues shall be applied in payment of such paving certificates only in the event and to the extent that such special assessments shall be insufficient for such payment, and reimbursement shall be made to the general funds of the City of New Orleans when the assessments are collected to the extent of the amount that the said general funds shall have contributed to the payment aforesaid. So much of Act No. 23 of the General Assembly of the State of Louisiana for the year 1914 as may be inconsistent herewith is hereby repealed, and hereafter no paving certificates shall be issued upon the pledge of the reserve fund of the City of New Orleans, but such certificates shall be secured as herein and as otherwise provided for by said act or subsequent legislative authority not in conflict herewith; provided, however, that paving certificates, for which the faith and credit of the City of New Orleans shall be pledged, whether issued under the aforesaid Act No. 23 of 1914, or under subsequent legislation, shall not at any one time be outstanding in an amount in excess of Five Million Dollars ($5,000,000) in face value.

SEC. 13. The total issue of bonds by the City of New Orleans, for all purposes shall never exceed ten per centum of the assessed valuation of the property in said city; provided, however, that neither the bonds issued for water, sewerage and drainage purposes (namely, the $12,000,000 Public Improvement Bonds issued under said Act No. 6 of 1899 and the $8,000,000 New Public Improvement Bonds issued under Act No. 19 of the General Assembly of the State of Louisiana for the year 1906, and acts amendatory thereof and supplemental thereto, as well as such bonds, hereby or hereafter authorized, into which the aforesaid bonds or any part thereof may be refunded), nor the $2,000,000 Public Belt Railroad Bonds authorized by Act No. 179 of the General Assembly of the State of Louisiana for the year 1908, nor any bonds hereafter authorized for Public Belt Railroad purposes, nor any bonds which may hereafter be issued for water supply or for the acquisition or construction of any revenue producing public utility, nor any paving certificates primarily chargeable against special assessments for street paving, shall be included in computing the indebtedness of said City of New Orleans under this limitation; and providing further, that emergency bonds may be issued as authorized in Section 5 of this amendment even though said limitation shall have been reached; provided that the Nine Million Dollars of bonds authorized by Section 1 of this amendment shall not be subject to the limitation herein fixed at the time or times that same shall be issued; but, with respect to any other bonds that may be issued hereafter under this amendment there shall be included in the computation said Nine Million Dollars of bonds, notwithstanding the fact that all of said Nine Million Dollars of bonds shall not have been actually issued, and such amount of emergency bonds as may be then outstanding.

SEC. 14. The Board of Liquidation, City Debt, as now organized and created and with the powers, duties and functions prescribed by existing laws and by this amendment, shall be continued while any bonds authorized by

this amendment are outstanding and unpaid; and all taxes which may be levied for the payment of said bonds shall, day by day as collected, be paid over to said Board, and shall by it be applied in payment of the principal and interest of said bonds; and said board shall with respect to all bonds authorized by this amendment be entitled to exercise all the rights and enforce the performance of all the obligations, the same as it is authorized to do under laws existing at the time of the adoption of this amendment with respect to any of the presently outstanding bonds of said City of New Orleans. All funds, property and things of value held by the Board of Liquidation, City Debt, for bonded debt purposes other than taxes now or hereafter levied, and particularly all funds, property and things of value now or hereafter held by said Board under Act No. 133 of the General Assembly of the State of Louisiana for the year 1880 and all amendments thereto, shall when released from contract obligations or dedications imposed by laws existing at the time of the adoption of this amendment be used and employed in the discretion of said Board in payment and retirement of any bonds of the City of New Orleans then outstanding.

SEC. 15. For general municipal purposes, exclusive of the support and maintenance of the public schools and the payment of the bonded debt of the City of New Orleans, said city may in each year levy upon all taxable property within said city a tax not exceeding six and one-half mills on the dollar of the assessed valuation thereof; provided, however, that when the one per cent debt tax authorized by said Act No. 110 of 1890 and the two mill water and sewer tax authorized by said Act No. 6 of 1899 shall both have ceased to be levied, and if thereafter the taxes levied by the City of New Orleans in any one year for bonded debt purposes be less than ten mills, said city may in such events levy for its general purposes such additional tax which, when added to the tax of six and one-half mills hereby authorized and the taxes levied for the payment of the principal and interest of its bonds as they severally mature, shall not exceed in the aggregate sixteen and one-half mills.

SEC. 16. The reservation of twenty per cent of the revenues of the City of New Orleans shall not hereafter be made as directed by Section 40 of the Act No. 159 of the General Assembly of the State of Louisiana for the year 1912, except insofar as the fund so directed to be reserved shall have been appropriated or dedicated before this amendment takes effect to the payment of any obligation of the City of New Orleans, and said reserve fund each year, when released from the obligations charged against it by law and because of contracts, existing at the time of the adoption of this amendment, shall be used for general municipal purposes.

Section 17. For the support, maintenance, construction and repair of the public Schools in the City of New Orleans, the Board of Directors of the Public Schools, Parish of Orleans, or its legal successor, shall levy annually such tax, not exceeding three and one-half mills, as said Board shall deem necessary, which levy shall be certified by said Board to the Commission Council or other future governing body of the City of New Orleans, which shall cause the tax so to be entered upon the tax rolls of said city according to law against all taxable property in said city as assessed and valued for city taxation purposes; and said tax shall be collected by said city and paid over to said Board of Directors of the Public Schools, Parish of Orleans, day by day as collected.

Said tax shall be in lieu of all taxes, appropriations and funds now authorized or directed to be levied or contributed by the City of New Orleans for public school purposes, either by said Act No. 110 of 1890 or other provisions of the Constitution of this State. All constitutional provisions to the contrary, as well as Act No. 262 of the General Assembly of the State of Louisiana for the year 1914, ratified as an amendment to the Constitution of this State, are hereby abrogated and repealed; and the City of New Orleans shall have no power or authority to use or employ any of its taxes or funds for the establishment, support or maintenance of the public schools, directly or indirectly, except as herein authorized; provided, however, that the City of New Orleans shall administer, use and employ all the funds, property

or things of value now or hereafter held by it under any special legacy, bequest or donation made or to be made directly to it for school puurposes, and shall carry out and execute the conditions of all such special legacies, bequests or donations that have been heretofore made to and accepted by said City of New Orleans and all such as may hereafter be made to and accepted by said City.

Sec. 18. For the purpose of giving additional support to the Public schools, the Board of Directors of the Public Schools, Parish of Orleans, or its legal successor, may levy upon all taxable property in the City of New Orleans a special tax not exceeding two mills on the dollar of the assessed valuation of said property (which special tax shall be in excess of the tax authorized by Section 17 of this amendment), whenever (1) in the manner prescribed by Act No. 256 of the General Assembly of the State of Louisiana for the year 1910, and amendments thereof, or in such other manner as shall be prescribed by law, the rate of such special tax, the number of years it is to be levied and the purpose for which the tax is intended shall have been by said Board submitted at an election to a vote of the property taxpayers of the City of New Orleans entitled to vote under the laws of this State, who shall have been assessed for property in said city as shown by the last assessment made prior to the submission of the proposition to the said property taxpayers, and (2) a majority of the same in number and amount voting at said election shall have voted therefor. The levy by said Board of any tax so authorized shall be certified, assessed, collected and paid in the manner prescribed by Section 17 of this amendment.

Sec. 19. The Board of Directors of the Public Schools, Parish of Orleans, or its legal successor, shall not capitalize the whole or any part of the taxes which by this amendment it is authorized to levy, nor fund the same into bonds, nor borrow money in anticipation of the collection thereof; provided that said Board may, in any calendar year, in anticipation of the collection of the taxes of such calendar year and for the purpose for which such taxes are levied, borrow such sums as shall not be in excess of the amount of its uncollected taxes of such year, and may issue its notes or other evidences of indebtedness therefor, and such sums, notes or other evidences of indebtedness shall be payable only out of the taxes of the calendar year in which said loan or loans are first made and for which indebtedness said revenues shall be pledged, and said indebtedness shall not be payable out of any other funds or moneys whatsoever; provided, however, no moneys shall be borrowed by said Board for any other purposes than current purposes, and in no event shall any money be borrowed by said Board to make or to pay for permanent improvements; and provided further, that said Board shall not make any contract or incur any debt or obligation unless sufficient funds, not otherwise appropriated, to pay and discharge the same are actually in the treasury of said Board at the time of making said contract or incurring said debt or obligation and are specially set aside and dedicated to said purpose, except as may be hereinabove specially provided.

Said Board shall annually and prior to the beginning of the scholastic year prepare a budget of its receipts and expenditures and said budget, before it becomes effective, must be approved by the Commission Council of the City of New Orleans, or its successor as the governing body of said City, and all appropriations by or expenditures of said Board not included in the said budget shall likewise before becoming effective be approved by said Commission Council or its said successor;

Provided that nothing herein shall be taken or construed as authorizing the Commission Council or its successor to change, alter, substitute or eliminate any of the items of the budget thus submitted; the true intent and meaning hereof being that the said council or its successor shall have no authority whatsoever in or over said budget except to the extent of ascertaining whether the proposed expenditures as exhibited by said budget are within the probable and estimated revenues of said Board of Directors of the Public Schools, Parish of Orleans.

SEC. 20. The inhibition herein established against the City of New Orleans and the Board of Directors of the Public Schools, Parish of Orleans, or either of them, borrowing money, anticipating their revenues, capitalizing their funds or issuing notes of other evidences of debt, shall apply to all boards, commissions or bodies created by or under the authority of the Commission Council of the City of New Orleans, or its successor as the governing body of said city.

SEC. 21. The provisions hereof are self-operative, and the City of New Orleans and the several boards and bodies herein referred to shall carry the same into effect.[25]

ART. 319. The electors of the City of New Orleans and of any political corporation which may be established within the territory now, or which may hereafter be embraced within the corporate limits of said city, shall have the right to choose the public officers, who shall be charged with the exercise of the police power and with the administration of the affairs of said corporation in whole or in part. This article shall not apply to the Board of Liquidation of the City Debt, nor shall it be construed as prohibiting the establishment of boards or commissions, the members of which are elected by the Council or appointed by the Mayor with the consent of the Council. Nothing herein contained shall be so construed as to prevent the General Assembly from creating boards or commissions, whose powers shall extend in and beyond the Parish of Orleans, or as affecting present boards of that character; provided, that hereafter, in creating any board with such powers, or in filling vacancies therein, at least two-thirds of the members thereof shall be from the City of New Orleans, and elected by the people or Council thereof, or appointed by the Mayor as herein provided.

[ART. 319a]. The Board of Directors of the Public Schools for the Parish of Orleans shall be authorized and empowered to issue two million dollars ($2,000,000) of bonds to be known as "Public School Bonds, City of New Orleans," for the purpose, and under the provisions set forth in the act of the Legislature adopted to that end and for that purpose at the regular session of the Louisiana General Assembly for the year 1914, which said act is hereby ratified and approved; and all provisions of the Constitution of the State in conflict with the provisions of said act and with this amendment are to that extent and for that purpose only repealed.[26]

[ART. 319b]. (1) The City of New Orleans is hereby granted plenary and exclusive power, by such means and methods as it may deem meet and proper not in conflict with the provisions of this amendment:

(a) To construct, equip, maintain and operate across the Mississippi River at or near New Orleans bridges and tunnels for railroad and highway use, together with all approaches, railroad and highway connections, roads, roadways, railroads, terminals, water craft and other structures, improvements, facilities and accessories thereunto appertaining;

(b) To acquire, by expropriation or otherwise, the property, ownership, use or possession of any lands or other things necessary for the construction, equipment, maintenance or operation of any such bridge or tunnel and appurtenances; and

(c) To lay out, open, close, alter or change the route of any roadway, non-navigable stream or drain over which the approaches of any such bridge or tunnel, or over which any part of the Public Belt Railroad system of the City of New Orleans shall extend.

(2) The City of New Orleans is further hereby granted power, for the purpose of constructing any such bridges or tunnels and appurtenances and for the purpose of acquiring the lands or other things necessary thereto, to

[25]Article 318a is a new article; it was proposed by the general assembly of 1916 and was ratified at the election of November 7, 1916. The joint resolution by which this amendment was proposed assigned no section or article number to it and it is placed here for convenience.

[26]Article 319a is a new article; it was proposed by the general assembly of 1914 and ratified at the election of November 3, 1914. By the act proposing this amendment no article or section number is assigned and it has been placed here for convenience.

issue its obligations in such forms, numbers, denominations and amounts, at such times and prices and upon such terms and conditions as to maturities, rates and payment of interest and final redemption as the said City of New Orleans may deem advisable, subject to the following limitations:

(a) Except as may be herein otherwise provided, all such obligations shall be secured solely and only by liens and mortgages upon and against such bridges or tunnels and appurtenances, and the lands or other things necessary thereto, and by a lien and pledge upon the net revenues derived from the operation thereof, and shall be paid therefrom and from no other source or sources whatsoever, except as otherwise stipulated herein, and not by any tax or assessment or levy upon any taxable property in the City of New Orleans, nor out of any other funds, revenues or things of value of said city; the true intent and meaning hereof being that save and except, to the extent, out of the funds, and in the manner herein stated, the City of New Orleans shall never be liable for, nor shall it assume, any debt, liability or obligation incurred or created in the execution of the provisions hereof.

(b) During the period of construction of such bridges and tunnels and appurtenances and during such times as the revenues from the operation thereof shall not be sufficient to provide for the interest on, and for the redemption of, any and all of the obligations hereinabove authorized to be issued, any and all of such obligations falling due shall be redeemed and all accrued interest shall be paid from the net revenues of the Public Belt Railroad system of the City of New Orleans to such extent as may be required, after providing in the manner prescribed by Act No. 179 of the General Assembly of the State of Louisiana, session of 1908, for the payment of the principal and interest of any bonds authorized by said Act No. 179 of 1908, whether heretofore or hereafter issued.

(3) Any bridges or tunnels and appurtenances thereof constructed, equipped, maintained or operated by the City of New Orleans under the authority hereby conferred, and all other property acquired by the City of New Orleans under the provisions of this amendment, shall form and are hereby constituted an integral part of the Public Belt Railroad system, as it now or as it may hereafter exist, which said system the City of New Orleans is hereby authorized to extend and operate in and beyond the Parish of Orleans; and the Public Belt Railroad Commission of the City of New Orleans is hereby vested with the same powers with respect to the Public Belt Railroad system as well as with respect to such bridges, tunnels, appurtenances and property, their acquisition, construction, operation and development as are now vested in said Commission by Act No. 179 of the General Assembly of the State of Louisiana, Session of 1908, with respect to the Public Belt Railroad as presently established.

The Public Belt Railroad Commission is hereby authorized without prior authority or approval therefor by the Commission Council of the City of New Orleans, to expend out of any of its revenues and for the purpose of constructing such bridges or tunnels a sum not to exceed twenty-five thousand dollars on any one contract, provided, however, that all disbursements beyond said sum shall be made only after they shall have been first authorized and approved by the Commission Council of the City of New Orleans.

(4) The Public Belt Railroad Commission, under such terms and conditions as it may deem advisable, shall have the right to switch, handle or convey in continuous movement, for any railroad, trains over such bridges or through such tunnels and over the main lines of the Public Belt Railroad to the depot or yard of said railroad or to any union passenger depot or union terminal of the Public Belt Railroad system; it being understood that the sole purpose of this provision is to facilitate the movement of trains entering the City of New Orleans on the east or west bank of the Mississippi River. Under no condition can the Public Belt Railroad Commission grant switching privileges to any railroad over the Public Belt Railroad System.

(5) Any bridge or tunnel constructed and any appurtenances thereof and any lands or other things necessary thereto, acquired or constructed under the

provisions of this amendment, and any and all property leased to or by the City of New Orleans for the purpose of this amendment, during the life of the lease, shall be exempt from every form of taxation, special assessment or license, and shall in no manner be hypothecated, leased or alienated except and only to further the acquiring of other property or properties for the Public Belt Railroad system, or to otherwise advance and carry out the objects and purposes of this amendment.

(6) The provisions of this amendment shall constitute a contract between the holders of any and all obligations issued thereunder, the State of Louisiana and the City of New Orleans.

(7) None of the provisions of this amendment shall be construed or interpreted so as to conflict with the provisions of Act No. 4 of the General Assembly of the State of Louisiana, Session of 1916, being a Joint Resolution proposing an amendment to the Constitution of the State providing for the funding of certain debts of the City of New Orleans and of the Board of Directors of the Public Schools, Parish of Orleans, respectively, nor as repealing, affecting, changing or altering Act 179 of the General Assembly of the State of Louisiana for the year 1908, authorizing the issuance of two million dollars of bonds for Belt Railroad purposes.

(8) That all the rights, franchises and immunities herein granted shall continue and exist only upon the condition that the construction of said bridge shall be actively begun not later than May 1st, 1920, and that the said bridge shall be completed within five years from the date of the commencement of the work; provided, that after the work of construction has begun, in the event of delays occasioned by litigation, strikes, panics, lockouts, failure of contractor or sub-contractors to deliver materials on contract time or of any contractor or sub-contractor to complete work on contract time or any delay occasioned by any act of circumstance over which the grantee herein has no control, there shall be and is hereby granted further time for completion equal to the period covered by such delays; and, provided further, if the Congress of the United States shall, after the construction of said bridge has begun, grant an extension of time or further delay for the completion of said bridge, then such additional delay shall be and is hereby, ipso facto, granted under this Act.[27]

[ART. 319c]. (a) The Board of Levee Commissioners of the Orleans Levee District is hereby empowered to construct and maintain levees and embankments along, over and in the bed of Lake Pontchartrain at such distance from the present shore line as the said Board may determine, not to exceed twenty-five hundred (2500) feet from the present shore line, and along and on the shores adjacent thereto, and along the canals connecting therewith, and in such other places in the Parish of Orleans and the adjacent parishes as the Board may determine, said levees and embankments to be of such height, width, slope, design and character of material as said Board may determine, and to protect said levees and embankments with such pilings, revetments, or walls, as it may deem proper.

(b) To enable said Board to perform said work and for the purpose thereof, the Board is hereby given a right of way over and use of all public lands including such portions of the water bottom of said lake as it may deem necessary. It is also given the right to acquire by donation, purchase, expropriation or appropriation, all private lands or other property in such territory in the Parish of Orleans and adjoining parishes as the said board now has authority and jurisdiction over under this amendment, and under existing laws, and which the said board may deem necessary or expedient for any of the purposes of said board, and to pay therefor in the same manner as the said board now pays for property taken by it on the Mississippi river front in the parish of Orleans.[28]

[27][Article 319b] is a new article; it was proposed by the general assembly of 1916 and ratified at the election of November 7, 1916. No article or section number was assigned to this amendment and for convenience it is inserted here.

[28][Article 319c] is a new article; it was proposed by the general assembly of 1916 and was ratified at the election of November 7, 1916. No article or section number has been assigned to this amendment and it is placed here for convenience.

FIRE MARSHAL.

ART. 320. The office of Fire Marshal of the State of Louisiana as created by existing laws is hereby recognized. His compensation, jurisdiction, powers and duties shall be prescribed by the General Assembly, provided that until action by the General Assembly, the powers, duties, compensation and functions of said Fire Marshal shall remain as fixed by law, but the General Assembly shall have no power to extend these duties, powers and functions beyond those now specified by Act 122 of 1904 as amended by Act 152 of 1906 and Act 143 of 1910.

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS.

ART. 321. The Bonds issued by the Board of Commissioners of the Port of New Orleans under the authority of Act 180 of 1908, not exceeding Three Million Five Hundred Thousand ($3,500,000.00) Dollars in amount, dated January 1, 1909, bearing five (5%) per cent. per annum interest, payable semi-annually, the principal of which is payable at any time between July 1, 1924, and July 1, 1959, styled "Port Commission Bonds," and Act 180 of 1908 adopted as a Constitutional Amendment together with all the acts and proceedings of said Board, done pursuant thereto, are hereby ratified and approved and the validity of the said bonds and said acts and proceedings shall never be questioned. They shall be exempt from all taxation, State, parish and municipal, and the tutors of minors and curators of interdicts shall be authorized to invest the funds in their hands in such bonds. They may be registered and released from registry under such rules and regulations as may be prescribed by said Board of Commissioners of the Port of New Orleans, and no registered bonds shall be negotiable. They shall be receivable on deposit with the State, or its officers, or any of its political subdivisions or municipalities, in all cases where, by law, deposits of bonds are required or allowed to be made as security, with the State or its officers, or any of its political subdivisions or municipalities.

The principal and interest of said bonds shall be paid by preference from the revenues of the Board of Commissioners of the Port of New Orleans, and all revenues collectable under the laws, as then existing, shall be and are hereby pledged, to secure said bonds and interest. In no event shall the charges imposed by said Board, under the laws then existing, be reduced to an amount less than necessary for the payment of the principal and interest of said bonds; and the Board of Commissioners of the Port of New Orleans, as presently organized, and without diminution of existing territorial jurisdiction, shall continue in legal existence until all the bonds issued in accordance with said Act shall have been paid in principal and interest; provided, that the members of said Board shall be appointed by the Governor, subject to removal by the Governor, and the Governor shall have power to fill all vacancies.

Said Board shall place on deposit, on or before the first of April of every year, with the Treasurer of the State of Louisiana, to the credit of a special account to be styled "Interest Account," an amount equal to the annual interest on all bonds that may have been delivered. Said Treasurer is hereby empowered and directed, and it is made his duty, to pay any and all interest coupons that may be due when presented by any holder thereof. In the year 1924, and annually thereafter, said Board shall, in addition to the amount of the annual interest due on the 1st of July, place on deposit on or before April 1, with the Treasurer of the State of Louisiana, to the credit of a special account to be styled "Bond Redemption Account," a sum of one hundred thousand ($100,000.00) dollars, and the said Treasurer is hereby empowered and directed, and it is made his duty, to pay, on the 1st of July, of the year 1924, and annually thereafter, out of said Bond Redemption Account, one hundred (100) of said bonds in the reverse order of their issue; and all bonds and coupons retired under this Act shall be by said Treasurer duly canceled and delivered to the Board of Commissioners of the Port of New Orleans, which shall receipt for same, and which shall retain and paste the same as vouchers, in a book to be by it kept for that purpose. It shall be the duty of said treasurer to require said deposits to be made as aforesaid; and in case of failure on the part of said

Board to make said deposits, or to impose, under the law as then existing, the charges for the use of said wharves, landings, sheds and appurtenances thereto, or to collect the revenues therefrom in an amount sufficient to provide for the payment of interest due or to become due, and the redemption of bonds as provided therein, said Treasurer is hereby empowered and directed, and it is made his duty, to impose said charges and collect said revenues, and to apply the same to the purposes hereof, and to that extent, and for that purpose only, and for such time as may be necessary to that end, the said Treasurer is hereby authorized to exercise all the powers and is charged with all the duties vested in the Board of Commissioners of the Port of New Orleans.

That all of the provisions of Act 108 of 1908 and of this Title shall constitute a contract between the holders of the bonds issued thereunder, the State of Louisiana and the Board of Commissioners of the Port of New Orleans.

The Board of Commissioners of the Port of New Orleans shall, and it is hereby authorized and empowered to expend the proceeds of said bonds for the extension of existing wharves, for building new wharves, for erecting sheds, for constructing roadways and other improvements; for the purchase of suitable dredges, barges and tugboats; for the payment for wharves or other property purchased or expropriated, and for the payment of obligations heretofore contracted and outstanding; provided, that no property shall be taken without just and adequate compensation previously paid.

On the thirty-first day of December of each year the said Board shall furnish a detailed account of its receipts and expenditures to the Governor of the State; which report shall be published once in the official journal of the City of New Orleans.

ART. 322. SEC. 1. The Board of Commissioners of the Port of New Orleans is hereby authorized to erect and operate warehouses and other structures necessary to the commerce of the Port of New Orleans, and to that end shall have the right to expropriate any property necessary for said purposes; and to pay for same by issuing mortgage or mortgages, bond or bonds, against the real estate and buildings erected thereon; said mortgage or mortgages, bond or bonds, are to be paid out of the net receipts after the payment of operating expenses; that the said Board of Commissioners of the Port of New Orleans are empowered to fix charges for storage on all goods or merchandise.

The said Board of Commissioners of the Port of New Orleans are empowered to issue receipts, negotiable or otherwise for property or merchandise in its charge or possession; provided, however, that they shall not be liable for a greater amount than the value of the buildings and land upon which the warehouse or warehouses are erected, for any transaction arising from the storage of merchandise thereon or otherwise.

SEC. 2. The foregoing section is self-operative and the Board of Commissioners of the Port of New Orleans shall by ordinance or otherwise carry the same into effect. The authority granted thereby shall be a continuing authority and the first erection of a warehouse or warehouses thereunder shall not exhaust the power of the said Board of Commissioners. Bonds issued under the preceding section shall be paid by preference out of the receipts of the warehouse or warehouses erected therewith after payment of the operating expenses, and, so far as such net receipts may be insufficient, out of the entire receipts and revenues of the said port after the payment of operating expenses and prior bonded obligations; provided, that each issue of bonds under said authority shall be subordinate to previous issues thereunder.

And, provided further, that nothing herein shall be considered as impairing any rights appertaining to the holders of the bonds of the Board of Commissioners of the Port of New Orleans now outstanding.

The General Assembly may confer further and additional authority upon said board not inconsistent herewith.

[ART. 322a]. SEC. 1. That the Board of Commissioners of the Port of New Orleans is hereby authorized to dig, build, erect and operate or acquire and operate a navigation canal in the city of New Orleans, together with necessary locks, slips, laterals, basins and appurtenances thereof, and other structures necessary therefor, to connect Lake Pontchartrain and the Mississippi River, in

aid of commerce. The location of said canal shall be fixed and determined by the Commission Council of the city of New Orleans, and shall be constructed under plans and specifications to be first approved and ratified by the Board of Commissioners of the Port of New Orleans and by the said Commission Council, and to be further approved and ratified by the Board of Levee Commissioners of the Orleans Levee District and by the State Board of Engineers of the State of Louisiana; the concurrence of all these bodies being necessary to the adoption of said plans and specifications.

SEC. 2. That for the digging and building of said canal, locks, slips laterals, basins and appurtenances thereof, the said Board of Commissioners of the Port of New Orleans shall have the right to expropriate any property necessary for that purpose, and to pay for same and the necessary works and improvements thereon by issuing mortgage or mortgages, bond or bonds, against the real estate and canal and locks and other improvements erected thereon said mortgage or mortgages, bond or bonds, to be paid out of the net receipts of said canal and appurtenances thereof, after the payment of operating expenses; and that the said Board of Commissioners of the Port of New Orleans are empowered to fix charges for tolls in said canal and for charges to all vessels mooring against the banks of said canal.

SEC. 3. That the foregoing sections are self-operative, and the Board of Commissioners of the Port of New Orleans and the city of New Orleans shall, by ordinance or otherwise, carry the same into effect.[29]

PUBLIC BELT RAILROAD BONDS.

ART. 323. The Bonds of the City of New Orleans styled "Public Belt Railroad Bonds of the City of New Orleans," issued under the authority of Act 17 of 1908, adopted as an Amendment to the Constitution of 1898, in amount not exceeding Two Million ($2,000,000.00) Dollars, dated January 1, 1909, bearing 5 per cent. per annum interest, the principal thereof payable at any time between July 1, 1939, and July 1, 1959, of the denomination and numbers as follows:

Five thousand (5,000) of one hundred ($100) dollars each, numbered from 1 to 5,000, both inclusive; one thousand (1,000) of five hundred ($500.00) dollars each, numbered from 5001 to 6000, both inclusive. One thousand (1,000) of one thousand ($1,000.00) dollars each, numbered from 6001 to 7000, both inclusive, payable in lawful money of the United States, with semi-annual interest coupons attached, due July 1 and January 1, signed by the Mayor of the City of New Orleans and countersigned by the Comptroller and the Treasurer of the City of New Orleans, are hereby ratified and approved and their validity shall never be questioned. They shall be exempt from all taxation, State, parish and municipal, and the tutors of minors and curators of interdicts shall be authorized to invest all funds in their hands in such bonds. They may be registered and released from registry under such rules and regulations as may be prescribed by the City of New Orleans, and no registered bonds shall be negotiable. They shall be received on deposit with the State or its officers, or any of its political subdivisions or municipalities, in all cases where, by law, deposits of bonds are allowed or required to be made, as security with the State or its officers, or with any of its political subdivisions or municipalities.

The City of New Orleans is authorized to cause said bonds to be engraved and executed, and to sell said bonds, at such times and in such numbers and amounts, and upon such terms and conditions as the City of New Orleans may deem advisable; provided, that no sale shall be made by said city except upon sealed proposals to be submitted to said city after advertisement for the same shall be had for thirty (30) consecutive days in one or more daily newspapers or newspapers of the cities of New York and New Orleans, respectively, and provided that no sale shall be made by said city at a price less than par and accrued interest, the city to have always the right to reject any and all bids

[29]Article 322a is a new article; it was proposed by the general assembly of 1912 and ratified at the election of November 3, 1914. No article or section number assigned to this amendment by the joint resolution proposing it, and it has been inserted here for convenience.

Coupons attached to said bonds, past due at the time of delivery, shall be detached and canceled by said city before delivery of the bonds.

The principal and interest of said bonds shall be paid by preference from the revenues of the Public Belt Railroad of the City of New Orleans, after deducting the expenses of maintenance and operation, and all Public Belt revenues collectable under existing laws or ordinances, or amendments thereto, and all future Public Belt Railroad revenues, after deducting the expenses of maintenance and operation, are hereby pledged to secure said bonds and interest. The interest on said bonds is evidenced by coupons attached thereto, payable semi-annually by the Treasurer of the City of New Orleans, on the first days of July and January, and the City of New Orleans shall appropriate on or before the first days of April and October, to provide for the payment of the semi-annual interest due July 1 and January 1 of each subsequent year, out of the revenues of the Public Belt Railroad of the City of New Orleans, after deducting the expenses of maintenance and operation, which appropriations shall be credited on the books of the Treasurer of the City of New Orleans, to a special account to be styled "Public Belt Railroad Bond Interest Account," amounts equal to the semi-annual interest on all bonds that may have been delivered. The Treasurer of the City of New Orleans is hereby empowered and directed, and it is made his duty, to pay any and all of such coupons that may be due when presented by any holder thereof.

In the year 1939, and annually thereafter, the City of New Orleans shall, in addition to the amount of the semi-annual interest due on the first of July and January of each year, appropriate on or before the first day of April, out of the revenues of the Public Belt Railroad of the City of New Orleans, after deducting the expenses of maintenance and operations, which appropriations shall be credited on the books of the Treasurer of the City of New Orleans to a special account to be styled "Public Belt Railroad Bond Redemption Account," the sum of one hundred thousand ($100,000.00) dollars; and the said Treasurer is hereby empowered and directed, and it is made his duty to pay, on the first day of July, of the year 1939, and annually thereafter, out of said bond redemption account, one hundred thousand ($100,000.00) dollars of said bonds, in the reverse order of their issue; and all bonds and coupons retired hereunder shall be by said Treasurer duly canceled and be pasted as vouchers in a book to be by said Treasurer kept for that purpose.

In case of failure on the part of the City of New Orleans to make said appropriations at the times herein fixed, and to administer and operate said Public Belt Railroad of the City of New Orleans, and to collect the revenues therefrom to provide for the payment of interest due, or to become due, and the redemption of bonds, as provided for herein, the Board of Commissioners of the Port of New Orleans is hereby authorized, empowered and directed, and it is made its duty, to administer and operate said Public Belt Railroad, to impose such charges as it may fix, and collect said revenues and levy and collect the special tax hereinafter provided for, and to apply the same to the purposes hereof; and to that extent and for that purpose only, and for such time as may be necessary to that end, said Board of Commissioners of the Port of New Orleans is hereby authorized to exercise all the powers and is charged with all the duties vested hereunder in the City of New Orleans.

In case there should be in any year a deficiency in the revenues aforesaid to pay the full interest upon all of said bonds outstanding, such deficiency of interest shall be funded into bonds of such denominations as may be necessary and convenient, bearing the same rate of interest as the original bonds, and having a term to run equal to the balance of the original bonds, but subject to call at will by the City of New Orleans; and, in case any such bonds are issued, they shall be stamped across their face "Interest Funding Bonds issued subject to immediate call"; and they shall be payable out of the special tax of two (2) mills per annum which shall be levied on and after January 1, 1943, as hereinafter provided. Said interest funding bonds shall have all the guaranties and securities provided for the original bonds herein, for the payment, principal and interest.

In case the revenues of the Public Belt Railroad of the City of New Orleans should not be sufficient to provide for the payment of the annual interest on, or for the redemption annually, on and after January 1, 1939, of any of said bonds, as hereinabove set forth, the redemption of said bonds shall be postponed until January 1, 1944, and the City of New Orleans shall levy upon all of the taxable property within the present territorial limits of said city a special tax of two (2) mills, beginning with and including the year 1943, the entire proceeds whereof shall be applied annually to the redemption of the bonds issued hereunder, and all interest that may be then or thereafter due thereon, and all outstanding "interest funding bonds," until all of said bonds shall have been retired in principal and interest. If any surplus of said two (2) mills tax in the last year of its levy shall exist, such surplus shall be dedicated to works of public improvement to be designated by the City of New Orleans.

The City of New Orleans is hereby authorized and empowered to expend the proceeds of said bonds for the construction and equipment of a Public Belt Railroad System in and for the City of New Orleans, including tracks, sidings, switches, spurs, crossovers and all appurtenances and accessories thereto; the building of depots, roundhouses, warehouses, sheds, stations, signals and all other necessary structures incident to the construction and equipment of railroads, for the purchase of locomotives, switch engines, cars and other necessary rolling stock; for the payment of property purchased or expropriated for the purpose of laying tracks, sidings, switches, spurs, crossovers, etc., or for the erection of necessary structures and buildings incident to railroads; for the purchase of existing roadbeds, tracks, switches, sidings, spurs, crossovers, or for the expropriation of the same; for the purchase of barges and tugboats and other property incident to the operation of a barge system; and generally for the purchase and equipment of all property, movable and immovable necessary and proper to construct and equip said Public Belt Railroad System, and, as an incident thereto, a barge system.

There shall be and there is hereby irrevocably dedicated to the people of the City of New Orleans, for perpetual and exclusive public use, said Public Belt Railroad System, as the same has been heretofore, or may hereafter, be established by the City of New Orleans, the title and use of which said Public Belt Railroad System shall be and shall forever be in the people of the City of New Orleans.

All laws, servitudes, privileges and rights in favor of the State of Louisiana, the City of New Orleans and the people of the City of New Orleans, now existing in or on the lands or property on or contiguous to the Mississippi River, shall continue to exist unimpaired until the full payment of the principal and interest of the bonds to be issued under this ordinance.

The City of New Orleans shall construct, equip, maintain and operate said Public Belt Railroad System of the City of New Orleans through and by means of such board or commission as may have been or may be organized by the City of New Orleans, the members of which shall be appointed by the Mayor of the City of New Orleans, with the consent of the Council, the powers, duties and functions of which shall be prescribed by the City of New Orleans. The City of New Orleans shall always have the power and authority to make such changes in the location of the tracks and roadbed of the Public Belt Roadbed System as may by said city be deemed necessary or proper. The control, administration, management and supervision of the construction, maintenance, operation and development of the Public Belt Railroad of the City of New Orleans shall be exclusively vested and remain in such board or commission, which shall always be separate and distinct from that of any railroad entering the City of New Orleans; and no director, officer or employee of any State or interstate railroad shall ever be allowed to act as a member of said commission, or as an officer of the Public Belt Railroad, or be employed by said Public Belt Railroad, and no rights or privileges shall be granted to any railroad company to control, manage, use or operate the said Public Belt Railroad System, or any part thereof; and said Public Belt Railroad System shall

be and remain the sole property of the people of the City of New Orleans at all times, and shall in no way or manner ever be hypothecated or alienated; provided, however, that the revenues of said Public Belt Railroad of the City of New Orleans, after the deduction of the expenses of maintenance and operation, shall be and remain pledged for the payment of the bonds in principal and interest, the issue of which is herein authorized; to such extent as may be necessary under this act.

All the provisions hereof shall constitute a contract between the holder of the bonds issued under Act 179 of 1908 and of this Title, the State of Louisiana, the City of New Orleans and the Board of Commissioners of the Port of New Orleans.

PUBLIC DEBT.

ART. 324. SECTION 1. In order to pay the State's bonded debt of Eleven Million, One Hundred and Eight Thousand, Three Hundred Dollars, maturing January 1, 1914, the Board of Liquidation of the State Debt is hereby authorized:

(a) To issue and sell or exchange, or both, for such price, in such manner, at such time or times, of such denominations, in such amounts, and with such yearly maturities on any date in each year beginning the first calendar year after the issuance and not exceeding Fifty-one years from date of insurance, and such rate of interest not exceeding four and one-half per centum per annum, payable semi-annually, as it may deem advisable, Serial Bonds of the State of Louisiana in an amount sufficient to realize the sum necessary to settle or refund said indebtedness, except Five Hundred and Thirty Thousand, Nine Hundred and Thirty Dollars thereof due the Free School Fund, and except the Nine Thousand Nine Hundred Dollars thereof held for exchange under Act No. 65 of 1892; provided that said Bonds, or any of them, may, in the discretion of said Board, to be exercised before issuance, be made redeemable at any time on payment of principal and accrued interest, plus a premium of four per centum upon the principal, which redemption shall be in the reverse order of maturity; and provided further, that the first and last maturing coupons be made payable at whatever dates the said Board may see proper to fix. Notice of redemption (if redeemable bonds be issued) shall be given by thirty days' advertisment in one daily newspaper published in each of the cities of New Orleans, Chicago and New York, and interest shall cease at the maturity of the coupon next falling due.

Said bonds may, if so provided by the Board of Liquidation, be registered as to principal alone or as to principal and interest, in such manner and with such conditions and in such denominations as said Board may determine in advance of the issuance thereof, but said Board shall have no power to provide for the issuance of coupon bonds in exchange for registered bonds of such issue.

(b) To issue and sell or exchange, or both, pending a disposition of said bonds as aforesaid, with full discretion as to manner, price, form, denominations, maturities and interest, Temporary Refunding Bonds of the State of Louisiana in an amount sufficient to realize the sum necessary to settle said debt, or any part thereof, except the amount due the Free School Fund, and the amount of bonds held for exchange as above stated; provided said Temporary Refunding Bonds shall mature in not more than five years from the date of issuance and shall bear a rate of interest not exceeding five per centum per annum, payable on such dates, semi-annually or otherwise, as said Board shall determine.

To provide for the settlement at maturity of said Temporary Refunding Bonds, or any of them, if issued, it shall have full power and authority to issue and sell or exchange, or both, other Temporary Refunding Bonds under like terms and conditions in an amount sufficient to realize the sum necessary to settle the same and, in its discretion, to repeat such process as often as it may deem necessary; provided that any issue of such Temporary Refunding Bonds after the first, shall be advertised for sale. Should said Temporary Refunding Bonds be issued, then the Serial Bonds above authorized shall be

for an amount sufficient to realize the sum necessary to settle the indebtedness evidenced by the Temporary Refunding Bonds to be retired.

Said Board may reserve the right to call for payment and retire said Temporary Refunding Bonds prior to the maturities thereof, on giving fifteen days notice by publication in one daily newspaper published in each of the cities of New Orleans, Chicago and New York and on paying to the holder or holders the principal and accrued interest, plus a premium not exceeding one per centum of the principal thereof, the amount of said premium to be settled in like manner as the principal of said Temporary Refunding Bonds, the interest on which shall cease after the date fixed in the call.

SEC. 2. All bonds issued hereunder shall be signed by the Governor, attested by the Secretary of State under the seal of the State, and countersigned by the Auditor and the Treasurer. The interest may be represented by coupons attached thereto and bearing a fac-simile of said Treasurer's signature. Such bonds shall be deemed properly signed if signed by those who shall be such officers at the time they are signed, notwithstanding any change of officers prior to the actual issuance and delivery thereof. Said bonds and interest shall be payable to bearer or registered owner at such places as the Board of Liquidation of the State Debt may determine.

Should any of said bonds not be ready for delivery at the time they are sold or exchanged, Interim Certificates may be issued in lieu thereof in such form as the Board of Liquidation of the State Debt shall prescribe; which certificates shall be surrendered on delivery of the bonds respectively represented thereby.

SEC. 3. For the payment in gold coin of the United States of the present standard of weight and fineness of the principal and interest of all obligations issued hereunder, the faith and credit and resources of the State are hereby unconditionally and irrevocably pledged.

SEC. 4. Beginning the First Day of January, 1914, and until said obligations, with interest, shall have been satisfied, there is hereby levied on all property on which general State taxes are now or may hereafter be levied an annual tax of One and Three-Twentieths Mills on the Dollar of assessed valuation, which tax is included as a part of the State tax of six mills authorized elsewhere in this Constitution to be levied for general purposes; provided, however that should the net proceeds of said tax exceed Six Hundred and Seventy-Five Thousand Dollars in any year, the General Assembly may transfer the excess thereof to the General Fund, provided the amounts necessary to pay maturing bonds and to make the payments directed to be made in (1) and (2) of this section shall have been reserved.

The net proceeds of said tax shall be paid into the State Treasury and credited to a separate account to be known as the "State Bond and Interest Tax Fund," which is hereby dedicated and shall be devoted annually: (1) to the payment of the interest as it accrues on said Serial Bonds and Temporary Refunding Bonds and the interest amounting to Fifty-Nine Thousand, Seven Hundred and Ninety Dollars and Thirty-Nine Cents on the indebtedness of the State to the Free School Fund, the Seminary Fund and the Agricultural and Mechanical College Fund as fixed by the Constitution of 1879, and the interest on the debt of Five Hundred and Thirty Thousand, Nine Hundred and Thirty Dollars due the Free School Fund as herein fixed; (2) to the payment of the proper expenses of the Board of Liquidation of the State Debt, and of the Board of Audit and Exchange, not to exceed Three Thousand Dollars, and (3) the residue to a sinking fund to be applied by the Board of Liquidation of the State Debt to the payment or purchase of the Temporary Refunding Bonds and Serial Bonds issued hereunder. There is hereby levied, for each year in which the foregoing tax may not be sufficient to meet the payment of the bonds maturing in the following year and the payments provided for in (1) and (2) of this section, a special tax sufficient in amount to meet such payments, and the Auditor shall compute the rate necessary in any such year to produce the required amount and cause such tax to be extended upon the tax rolls for collection as other general State taxes are collected.

Said Board shall annually reserve in the State Treasury such amount of

said sinking fund as it may deem sufficient to pay said Temporary Refunding Bonds and Serial Bonds as they mature. The surplus of said sinking fund then remaining shall be applied annually by said Board either to the redemption of bonds under Paragraph (a) of Section 1 of this article, (if redeemable bonds be issued) or, in its discretion, to the purchase of bonds issued hereunder at the lowest relative price obtainable in the open market or after fifteen days advertisement in one daily newspaper in each of the cities of New Orleans, Chicago and New York.

SEC. 5. The surplus in the interest tax fund remaining under existing laws out of the revenues from the year 1913 and previous years shall be devoted by the Board of Liquidation of the State Debt to the payment of the cost of engraving, lithographing or printing the Temporary Refunding Bonds, Serial Bonds and Interim Certificates issued hereunder and all other expenses incurred by said Board as well as the unpaid part of the appropriations made by Act 158 of 1912 from said fund and the balance shall be transferred to the State Bond and Interest Tax Fund established in this article or in the discretion of said Board to the payment of the outstanding bonds to be retired.

SEC. 6. The Board of Liquidation of the State Debt is hereby given full power and authority to carry out the provisions of this article and in its judgment and discretion to make and prescribe rules, regulations, conditions and methods in all particulars not inconsistent with the terms of this article.

The said Board shall formulate such rules and regulations as early as practicable after the adoption of this Constitution and shall whenever it determines to offer the serial bonds herein authorized advertise in at least one daily paper in each of the cities of New Orleans, Chicago and New York, for a period of not less than five days the terms and conditions under which it will receive sealed bids for said Serial Bonds, reserving the right to reject any and all bids.

SEC. 7. The bonds of the State amounting to Five Hundred and Thirty Thousand, Nine Hundred and Thirty Dollars held by the State Treasurer for account of the Free School Fund of the State of Louisiana shall be paid by crediting the amount thereof to said fund, and said amount is hereby recognized as a debt of the State of Louisiana to said fund, additional to that recognized in Article 258, on which additional debt interest shall be semi-annually paid for the use of the respective townships for whose benefit said bonds are held, at the rate carried by the Temporary Refunding Bonds herein provided for until their retirement and thereafter at the rate carried by the Serial Bonds to be issued hereunder, until said debt shall have been paid.

SEC. 8. The bonds now held for exchange under Act No. 65 of 1892 and amounting to Nine Thousand, Nine Hundred Dollars shall continue to be held for exchange as provided by said act and when exchanged shall be paid principal and accrued interest to January 1, 1914, by the Board of Liquidation out of the sinking fund provided for herein.

SEC. 9. On the payment or purchase of any bond or coupon herein authorized by the Auditor or any Fiscal Agent designated by the Board of Liquidation, said bond or coupon shall be immediately canceled by the Auditor or said Fiscal Agent by marking with a perforating machine across the face thereof the word "Paid." Bonds after being so paid and canceled shall be delivered to the Treasurer. Canceled coupons shall be delivered to the Auditor and pasted in books and kept in the permanent records of his office.

Once every year at such meeting as the Board of Liquidation of the State Debt may fix by rule, the Treasurer shall present all canceled bonds including those surrendered for exchange, to said Board, with a statement showing the numbers, amounts and maturities thereof and separately, the numbers, amounts and maturities of all bonds outstanding and unpaid.

The Board shall, in open session, carefully examine and compare the said bonds and statement. A proces verbal of said examination shall then be made and signed by each member present at said meeting, which, together with the canceled bonds and the statement rendered by the Treasurer, shall be delivered to the Auditor to be kept in the permanent archives of his office. Said proces

verbal and statement shall be recorded in full in the Minutes of the Board and shall be published once in the official journal of the State.

The provisions of this section shall also apply to the bonds and coupons to be retired by the issue herein authorized and by the credit to the Free School Fund herein directed and likewise to the Interim Certificates mentioned in Section Two of this article.

SEC. 10. The provisions of this article shall be self-operative.

[ART. 324a]. The Board of Control of the State Penitentiary or its successor or successors in office is hereby authorized and empowered to incur debt, issue interest bearing notes in serials or other form for a term of not to exceed fifteen years, to the amount of Four Hundred Thousand Dollars at a rate of interest not exceeding five per cent per annum, payable semi-annually, for the purpose of funding and retiring its floating and other outstanding indebtedness, and is authorized to secure same by mortgage on any or all of its real estate, and the faith and credit of the State of Louisiana is hereby pledged to guarantee the payment of said obligations and the interest thereon, but the Board of Control or its successor shall be required to pay same out of its own revenues and earnings and only when the same are exhausted shall the State make good the residue. The General Assembly shall pass the necessary enabling act to carry this amendment into effect and Act No. 137 of the Acts of 1916 on this subject matter is hereby approved for this purpose.[30]

AMENDMENTS TO THE CONSTITUTION.

ART. 325. Propositions for the amendment to this Constitution may be made by the General Assembly at any session thereof, and if two-thirds of all the members elected to each house shall concur therein, after such proposed amendments have been read in such respective houses on three separate days, such proposed amendment or amendments, together with the yeas and nays thereon, shall be entered on the Journal, and the Secretary of State shall cause the same to be published in two newspapers published in the Parish of Orleans and in one paper in each other parish of the State in which a newspaper is published for two months preceding an election for Representative in the General Assembly or in Congress, to be designated by the General Assembly, at which time the said amendment or amendments shall be submitted to the electors for their approval or rejection; and if a majority voting on said amendment or amendments shall approve and ratify the same, then such amendment or amendments so approved and ratified shall become a part of the Constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately. The result of said election shall be made known by proclamation of the Governor.

SCHEDULE.

ART. 326. That no inconvenience may arise from the adoption of this Constitution, and in order to carry this Constitution into complete operation, it is hereby declared:

First—That all laws in force in this State, at the time of the adoption of this Constitution, not inconsistent therewith, and constitutional when enacted, shall remain in full force and effect until altered or repealed by the General Assembly or until they expire by their own limitation.

Second—All writs, actions, causes of action, proceedings, prosecutions and rights of individuals, or bodies corporate, and of the State, when not inconsistent with this Constitution, shall continue as valid and in full force and effect.

Third—The provisions of all laws, which are inconsistent with this Constitution, shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them, shall remain in full force until such legislation is had.

Fourth—All recognizances, obligations and all other instruments entered into

[30][Article 324a] is a new article; it was proposed by the general assembly of 1916 and was ratified at the election of November 7, 1916. No article or section number was assigned to this amendment and it has for convenience been inserted here.

or executed before the adoption of this Constitution, to the State, or to any parish, city, municipality, board, or other public corporation therein, and all fines, taxes, penalties, forfeitures and rights, due, owing or accruing to the State of Louisiana, or to any parish, city, municipality, board, or other public corporation therein under the Constitution and laws heretofore in force, and all writs, prosecutions, actions and proceedings, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments and informations which shall have been found or filed, or may hereafter be found or filed for any crime or offense committed before the adoption of this Constitution, may be prosecuted as if no change had been made, except as herein otherwise provided.

Fifth—All officers, executive, legislative and judicial, State, parish or municipal, who may be in office at the adoption of this Constitution, or who may be elected or appointed before the election or appointment of their successors as herein provided, shall hold their respective offices until their terms shall have expired, and until their successors are duly qualified, as provided in this Constitution, unless sooner removed, as may be provided by law; and shall receive the compensation now fixed by the Constitution and laws in force at the adoption of this Constitution, except as herein otherwise provided.

Sixth—The Constitution of this State, adopted in 1898, and all amendments thereto, are declared to be superseded by this Constitution. But the omission from this Constitution of any Article of the Constitution of 1898 and the amendments thereto or of any other existing Constitutional provision shall not amount to the repeal thereof, unless the same be inconsistent with this Constitution.

Seventh—The Supreme Court, Courts of Appeal, District Courts, City Courts and all other courts, provided for by this Constitution, are declared to be, and shall be construed to be the same courts as those of the same name, created by the Constitution of 1898, and all amendments thereto and all writs, orders and process issued from said courts, which shall be pending, or in course of execution at the date when this Constitution goes into effect, together with all the records and archives of said courts, shall at once, by virtue of this article, be transferred to, and held to be cases pending in, and writs, orders and process issued from, and in course of execution, under the authority of, and records and archives of said courts respectively, as organized under this Constitution.

Eighth—This Convention, adopted by the people of the State of Louisiana, in convention assembled, shall be in full force and effect from and after this the twenty-second day of November, 1913, save and except as otherwise provided in and by this Constitution.

Ninth—There shall be printed in pamphlet form 500 copies of the Journal of the Convention and 5,000 copies of this Constitution, and each member of this Convention shall be entitled to two copies of the Journal and 25 copies of the Constitution, including one copy of both bound together in leather. The remaining copies shall be delivered to the Secretary of State, to be disposed of as may now or hereafter be ordered by the General Assembly.

Done in Convention, in the City of Baton Rogue, on this the twenty-second day of November, in the year of our Lord, one thousand nine hundred and thirteen, and of the Independence of the United States of America, the one hundred and thirty-eighth.

[ORIGINAL SIGNED] NEWTON C. BLANCHARD,
President of the Convention, Member from Caddo.
ROBT. B. BUTLER,
First Vice-President of the Convention.
Member from Terrebonne.
CHAS. J. THEARD,
Second Vice-President of the Convention.
Member from Orleans, 6th Rep. Dist.

ATTEST:
ROBT. S. LANDRY,
Secretary of the Convention.

CONSTITUTION OF MAINE—1819.*

PREAMBLE.

We, the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring His aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of The State of Maine, and do ordain and establish the following Constitution for the government of the same.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

SEC. 2. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and undefeasible right to institute government and to alter, reform, or totally change the same, when their safety and happiness require it.

SEC. 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;—and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor perference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

SECTION 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels,

*The constitution of the state of Maine was framed by a convention which assembled at Portland, on October 11, and adjourned on October 29, 1819. The constitution was ratified by the people in town meetings, on December 6, 1819. The constitution was modified by the adoption of amendments proposed in 1834, 1837, 1839, 1841, 1844, 1847, 1850, 1855, 1864, 1868, 1869 and 1875. In pursuance of a resolution adopted February 24, 1875, the amendments made to the constitution to that date were incorporated in the original instrument and this draft and arrangement was formally approved and adopted by the legislature by a resolution of February 23, 1876, and ordered to be enrolled on parchment and deposited in the office of the secretary of state. Since the redraft of the constitution in 1876, amendments were added in 1877, 1880, 1885, 1889, 1893, 1899, 1909, 1913 and 1915. These amendments are numbered from XXII to XXXVII, inclusive, but they have never been formally incorporated in the constitution, although they are a vital part of it. The basis of the present constitution of Maine, then, is the draft of 1819; the declaration of rights has been amended only once; the amendments adopted to the rest of the constitution between 1819 and 1876 have been written into the text of the instrument; the amendments adopted between 1876 and 1916 are indicated as "Amendments" but have never been written into the constitution.

the Jury, after having received the direction of the Court, shall have a right to determine, at their discretion, the law and the fact.

SEC. 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause, supported by oath or affirmation.

SEC. 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him;

To have compulsory process for obtaining witnesses in his favor;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers, or by the law of the land.

SEC. 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The legislature shall provide by law a suitable and impartial mode of selecting juries and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

SEC. 8. No person, for the same offense, shall be twice put in jeopardy of life or limb.

SEC. 9. Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offense; excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

SEC. 10. No person before conviction shall be bailable for any of the crimes, which now are, or have been dominated capital offenses since the adoption of the Constitution, where the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.[1]

SEC. 11. The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

SEC. 12. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SEC. 13. The laws shall not be suspended but by the Legislature or its authority.

SEC. 14. No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

SEC. 15. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

SEC. 16. Every citizen has a right to keep and bear arms for the common defense; and this right shall never be questioned.

SEC. 17. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 18. No soldier shall, in time of peace, be quartered in any house

[1] Amendment proposed by the legislature on March 30, 1837, ratified on the second Monday of September, 1837, and declared adopted by the senate on March 20, and the house on March 21, 1838.

without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

SEC. 19. Every person, for an injury done him in his person,—reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

SEC. 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself and his counsel, or either, at his election.

SEC. 21. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

SEC. 22. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.

SEC. 23. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

SEC. 24. The enumeration of certain rights shall not impair nor deny others retained by the people.

ARTICLE II.

ELECTORS.

SECTION 1.[1] Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established. No person, however, shall be deemed to have lost his residence by reason of his absence from the State in the military service of the United States, or of this State.[2]

SEC. 2. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

SEC. 3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

SEC. 4. The election of Governor, Senators and Representatives shall be on the second Monday of September annually forever. But citizens of the State absent therefrom in the military service of the United States or of this State, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote on Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and sixty-four, for governor and senators, and their votes shall be counted and allowed in the same manner, and with the same effect, as if given on the second Monday of September in that year. And they shall be allowed to vote for governor, senators and representatives on the second Monday of September annually thereafter forever, in the manner herein provided. On the day of election a poll shall be opened at every place without this State where a regiment, battalion, battery, company, or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen of said State of the age of twenty-one years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this State where he resided when he entered the service.

[2] Amended by the addition of the last sentence by a resolution of March 24, 1864, ratified at the September town meetings of 1864. See Amendments, Article XXIX.

The vote shall be taken by regiments when it can conveniently be done; when not so convenient, any detachment or part of a regiment, not less than twenty in number, and any battery or part thereof numbering twenty or more, shall be entitled to vote wherever they may be. The three ranking officers of such regiment, battalion, battery, company, or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then three non-commissioned officers according to their seniority shall be such supervisors. If any officer or non-commissioned officer shall neglect or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they or either of them refuse to act, the electors present, not less than twenty, may choose, by written ballot, enough of their own number, not exceeding three, to fill the vacancies, and the persons so chosen shall be supervisors of elections. All supervisors shall be first sworn to support the constitution of the United States and of this State, and faithfully and impartially to perform the duties of supervisors of elections. Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of State of this State as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them, shall direct; provided, however, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers, and also all general and staff officers, and all surgeons, assistant surgeons, and chaplains, shall be entitled to vote at any place where polls are opened. The supervisors of elections shall prepare a ballot box or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed or written the name of the county, and also of the city, town or plantation of this State, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the persons to be voted for, and the office or offices which he or they are intended to fill. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has in fact a residence in the county, city, town or plantation which is printed or written on the vote offered by him. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this State, and also the number of the regiment and company or battery to which they belong; which lists shall be certified by them, or by a majority of them, to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote. They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of election, unless prevented by the public enemy, and in that case as soon thereafter as may be; and on the same day of said declaration they shall form a list of the persons voted for, with the number of votes for each person against his name, and the office which he was intended to fill, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of state aforesaid, on or before the first day of December, in the year one thousand eight hundred and sixty-four, and on or before the fifteenth day of November annually thereafter forever. The legislature of this State may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary in order more fully to carry into effect the purpose thereof.[3]

[3] The original section consisted of the first sentence only; the rest of the section is an amendment proposed by a resolution of March 24, 1864, and ratified at the September town meetings of 1864. Biennial elections were established in 1880 by Amendment, Article XXIII.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial.

SEC. 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV.—PART FIRST.

LEGISLATIVE POWER—HOUSE OF REPRESENTATIVES.

SECTION 1. The legislative power shall be vested in two distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine and the style of their acts and laws, shall be, "Be it enacted by the Senate and House of Representatives in Legislature assembled."[4]

SEC. 2. The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, for one year from the day next preceding the annual meeting of the Legislature. The Legislature, which shall first be convened under this Constitution, shall, on or before the fifteenth day of August, in the year of our Lord, one thousand eight hundred and twenty-one, and the Legislature, within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty.[5]

SEC. 3. Each town having fifteen hundred inhabitants may elect one representative; each town having three thousand seven hundred and fifty may elect two; each town having six thousand seven hundred and fifty may elect three; each town having ten thousand five hundred may elect four; each town having fifteen thousand may elect five; each town having twenty thousand two hundred and fifty may elect six; each town having twenty-six thousand two hundred and fifty may elect seven; but no town shall ever be entitled to more than seven representatives; and towns and plantations duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts containing that number, and so as not to divide towns; and each such district may elect one representative; and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle; and, in case the fifteen hundred shall be too large or too small to apportion all the representatives to any county, it

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[4] Amended in 1908 by Article XXXI of the Amendments.

[5] Amended by a resolution proposed by the legislature on Apr. 16, 1841, ratified on Sept. 13, 1841, and declared adopted on Mch. 17, 1842. The amendment proposed by this resolution and declared adopted is in precisely the words of section 2 as given above. In addition to this amendment, however, the resolution of April 16, 1841, proposed the following modifications of other provisions of the constitution:

"That the Constitution of this State be amended, in article second, section fourth, article fourth, section fifth, part first; article fourth, section fifth, part second; article fourth, section first, part third; article fifth, section second, part second; article fifth, section first, part third; article fifth, section first, part fourth; article ninth, section fourth, and article tenth, section fourth, by substituting in each of said articles and sections, the word 'biennial' for the word 'annual'; and article fifth, section second, part first, shall be amended by substituting the words 'two years', for 'one year', and 'next after the biennial election', for 'in each year', and article fifth, section second, part first, shall be amended by substituting 'two years' for 'one year,' and 'biennial' for 'annual'; so that each of the officers named in said sections shall be elected for and hold their offices two years instead of one year, and the Legislature meet bienially instead of annually."

This language is not included in the resolution declaring the amendment adopted and it apparently was not made a part of the constitution at this time.

Section 2 was subsequently modified by Amendments, Articles XXIII and XXV.

shall be so increased or diminished as to give the number of representatives according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to elect a representative shall determine against a classification with any other town or plantation, the Legislature may, at each apportionment of representatives, on the application of such town or plantation, authorize it to elect a representative for such portion of time and such periods, as shall be equal to its portion of representation; and the right of representation, so established, shall not be altered until the next general apportionment.[6]

SEC. 4. No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident in this State one year, or from the adoption of this constitution; and for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.

SEC. 5. The meetings within this State for the choice of representatives shall be warned in due course of law by the selectmen of the several towns seven days at least before the election, and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count and declare them in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the selectmen and in open town meeting. And the towns and plantations organized by law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectmen and town clerks have, and are subject to by this Constitution. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January annually. And the governor and council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office, as provided in article second, section four, of this constitution; and twenty days before the said first Wednesday of January, annually, shall issue a summons to such persons as shall appear to be elected by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the first Wednesday of January annually, and they shall finally determine who are elected.[7] The electors resident in any city may, at any meeting duly notified

[6] Modified in substance as to the membership of the house of representatives by the resolution of April 16, 1841. See Note No. 5.

[7] The foregoing part of section 5 was amended by a resolution of March 19, 1844, ratified at the annual September town meetings of 1844 and declared adopted on March 26, 1845; also by a resolution proposed by the legislature on August 21, 1850, ratified at the annual September town meetings of 1850, and declared adopted on May 30, 1851; also by the resolution adopted on Mch. 24, 1864, and ratified at the annual September town meetings of 1864. Modified by Articles XXIII and XXV of the Amendments. The wording of the declaratory resolution of 1845 is as follows: "That the fifth section, article fourth, part first; the third, fourth and fifth sections, article fourth, part second; the first section, article fourth, part third; the second and third sections, article fifth, part first; the second section, article fifth, part second; and the fourth section, article ninth, of the constitution, are so far altered or amended, as that the words, 'the second Wednesday of May' are substituted for the words 'the first Wednesday of January' in each of said sections; and the provisions of the constitution are so far altered or amended as that the governor and other state officers elected for the political year commencing on the first Wednesday of January, in the year of our Lord one thousand eight hundred and forty-five, shall hold their offices till the second Wednesday of May, in the year of our Lord one thousand eight hundred and forty-six."

The text of the declaratory resolution of 1851 is as follows: "That the fifth

for the choice of representatives, vote for such representatives in their respective ward meetings, and the wardens in said wards shall preside impartially at such meetings, receive the votes of all qualified electors present, sort, count and declare them in open ward meetings, and in the presence of the ward clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward meetings; and a fair copy of this list shall be attested by the warden and ward clerk, sealed up in open ward meeting, and delivered to the city clerk within twenty-four hours after the close of the polls. And the electors resident in any city may at any meetings duly notified and holden for the choice of any other civil officers for whom they have been required heretofore to vote in town meeting, vote for such officers in their respective wards, and the same proceedings shall be had by the warden and ward clerk in each ward, as in the case of votes for representatives. And the aldermen of any city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record, and return thereof shall be made into the Secretary of State's office in the same manner as selectmen of towns are required to do.[8]

SEC. 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

SEC. 7. The House of Representatives shall choose their speaker, clerk and other officers.

SEC. 8. The House of Representatives shall have the sole power of impeachment.

ARTICLE IV.—PART SECOND.

SENATE.

SECTION 1. The Senate shall consist of not less than twenty, nor more than thirty-one members, elected at the same time, and for the same term.

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section, article fourth, part first; the third, fourth and fifth sections, article fourth, part second; the first section, article fourth, part third; the second and third sections, article fifth, part first; the second section, article fifth, part second, and the fourth section, article ninth, of the constitution, are so far altered and amended as that the words, 'the first Wednesday of January' are substituted for the words 'second Wednesday of May,' in each of said sections; and the provisions of the constitution are so far altered and amended as that the governor and other state officers elected for the political year commencing on the second Wednesday of May, eighteen hundred fifty-one, shall hold their offices till the first Wednesday of January one thousand eight hundred and fifty-three; and there shall be no election of the same in the year one thousand eight hundred and fifty-one."

[8] The foregoing part of section 5 was proposed as an amendment on Mch. 7, 1834, and ratified at the annual town meetings in September, 1834. The amendment of 1834 was modified by an amendment proposed by the legislature on Mch. 24, 1864, and ratified at the September town meetings of 1864. It was incorporated in section 5 in the revision of 1876. Original section 5 and the amendment of 1834 were both amended by a resolution proposed on Aug. 2, 1847, ratified at the annual September town meetings of 1847, and declared adopted on July 29, 1848. As originally proposed in 1847 the amendment read as follows:

"The constitution of this state shall be amended in the fifth section of the first part of the fourth article, by striking out the words, 'a majority of all the' and inserting instead thereof, the words, 'the highest number of', and by striking out the words 'a majority' where they again occur in the same section and inserting instead thereof the words 'the highest number;' [also in the fourth section of the second part of the fourth article by striking out the words 'a majority of the' and inserting instead thereof 'the highest number of'; also in the fifth section of the second part of the fourth article by striking out the words 'a majority', and inserting instead thereof, 'the highest number;' also in the third section of the first part of the fifth article, by striking out the words 'a majority of all the' and inserting instead thereof the words 'the highest number of', and by striking out the words 'a majority' where they again occur in the same section and inserting instead thereof the words 'the highest number;'] also in the first amendment to the constitution of this state, by striking out the words 'a majority of all the' and inserting instead thereof the words 'the highest number of.'"

By the declaratory resolution of July 29, 1848, that part of the foregoing resolution enclosed in brackets was omitted and apparently was not made a part of the constitution.

See Amendments, Articles XXIII and XXV.

as the representatives, by the qualified electors of the districts into which the State shall from time to time be divided.[9]

SEC. 2. The Legislature, which shall be first convened under this Constitution, shall, on or before the fifteenth day of August in the year of our Lord, one thousand eight hundred and twenty-one, and the Legislature at every subsequent period of ten years, cause the State to be divided into districts for the choice of senators. The districts shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of senators shall not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty-one, according to the increase in the House of Representatives.

SEC. 3. The meetings within this state for the election of senators shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for representatives. And fair copies of the list of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January. All other qualified electors, living in places unincorporated, who shall be assessed to the support of the government by the assessors of an adjacent town, shall have the privilege of voting for senators, representatives and governor in such town; and shall be notified by the selectmen thereof for that purpose accordingly.[10]

SEC. 4. The Governor and Council shall, as soon as may be, examine the returned copies of such lists, and also the lists of votes of citizens in the military service, returned into the secretary's office, and twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes for each district, to attend that day and take their seats.[11]

SEC. 5. The Senate shall, on the said first Wednesday of January, annually, determine who are elected by a plurality of votes to be senators in each district; and in case the full number of senators to be elected from each district shall not have been so elected, the members of the house of representatives and such senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every district, if there be so many voted for, elect by joint ballot the number of senators required; and in this manner all vacancies in the senate shall be supplied as soon as may be, after such vacancies happen.[12]

SEC. 6. The senators shall be twenty-five years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same, as those of the representatives.

SEC. 7. The Senate shall have the sole power to try all impeachments, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 8. The Senate shall choose their president, secretary and other officers.

[9] See Articles XXIII and XXV of Amendments.

[10] Amended by the resolutions of Mch. 19, 1844, and Aug. 21, 1850; also by the resolution of Mch. 24, 1864, ratified at the annual September town meetings of 1864, by adding the words "within this state" after the word "meetings" in the first line. See Note No. 7.

[11] Amended by the resolutions of Mch. 19, 1844, and Aug. 21, 1850; amended, also, by the resolution of Mch. 24, 1864, and by the resolution of Feb. 24, 1875. See Note No. 7.

[12] Amended by the resolutions of Mch. 19, 1844, and Aug. 21, 1850; amended, also, by substituting "plurality" for "majority", by the resolution of Feb. 24, 1875, ratified at the September town meetings of 1875. See Articles XXIII, XXV and XXX of the Amendments. See Note No. 7.

ARTICLE IV.—Part Third.

LEGISLATIVE POWER.

Section 1. The Legislature shall convene on the first Wednesday of January, annually, and shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.[13]

Sec. 2. Every bill or resolution having the force of law, to which the concurrence of both houses may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the house, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect, as if it had been signed by the Governor; but in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both houses respectively. If the bill or resolution shall not be returned by the Governor within five days, (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it, unless the Legislature, by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within three days after their next meeting.

Sec. 3. Each house shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties as each house shall provide.

Sec. 4. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Sec. 5. Each house shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journals.

Sec. 6. Each house, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for anything said, done, or doing in either house; provided, that no imprisonment shall extend beyond the period of the same session.

Sec. 7. The senators and representatives shall receive such compensation as shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature which enacted it. The expenses of the House of Representatives in traveling to the Legislature and returning therefrom, once in each session and no more, shall be paid by the State out of the public treasury to every member, who shall seasonably attend, in the judgment of the house, and does not depart therefrom without leave.

Sec. 8. The senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature; and no member shall be liable to answer for anything spoken in debate in either house, in any court or place elsewhere.

Sec. 9. Bills, orders or resolutions, may originate in either house, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases; provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

[13] Amended by the resolutions of Mch. 19, 1844, and Aug. 21, 1850. See Articles XXIII, XXV and XXXI of Amendments, and Note No. 7.

SEC. 10. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which increased during such term except such offices as may be filled by elections by the people, provided, that this prohibition shall not extend to the members of the first Legislature.

SEC. 11. No member of Congress, nor person holding any office under the United States (post-officers excepted) nor office of profit under this State, justices of the peace, notaries public, coroners and officers of the militia excepted, shall have a seat in either house during his being such member of congress, or his continuing in such office.

SEC. 12. Neither house shall, during the session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the houses shall be sitting.

SEC. 13. The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.[14]

SEC. 14. Corporations shall be formed under general laws, and shall not be created by special acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State.[14]

SEC. 15. The Legislature shall, by a two-thirds concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this constitution.[14]

ARTICLE V.—PART FIRST.

EXECUTIVE POWERS.

SECTION 1. The supreme executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall be elected by the qualified electors, and shall hold his office one year from the first Wednesday of January in each year.[15]

SEC. 3. The meetings for election of governor shall be notified, held, and regulated, and votes shall be received, sorted, counted, declared and recorded, in the same manner as those for senators and representatives. They shall be sealed and returned into the secretary's office in the same manner, and at the same time as those for senators. And the secretary of state for the time being shall, on the first Wednesday of January, then next, lay the lists before the Senate and House of Representatives, and also the lists of votes of citizens in the military service returned into the secretary's office, to be by them examined, and, in case of a choice by a majority of all the votes returned, they shall declare and publish the same. But if no person shall have a majority of votes, the House of Representatives shall, by ballot, from the persons having the four highest numbers of votes on the lists, if so many there be, elect two persons and make return of their names to the Senate, of whom the Senate shall, by ballot, elect one, who shall be declared the Governor.[16]

SEC. 4. The Governor shall, at the commencement of his term, be not less than thirty years of age; a natural born citizen of the United States, have been five years, or from the adoption of this Constitution, a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

[14] Sections 13, 14 and 15 are new sections; they were proposed by the legislature by the resolution of Feb. 24, 1875, ratified at the September town meetings of 1875, and incorporated by the revision of 1876.

Sections 16, 17, 18, 19, 20, 21 and 22 were added by Article XXXI of the Amendments in 1907.

[15] Amended by the resolutions of Mch. 19, 1844, and August 21, 1850. See Article XXIII of Amendments, and Note No. 7.

[16] Amended by the resolutions of Mch. 19, 1844, and August 21, 1850, and by the resolve of Mch. 24, 1864. See Article XXIV of Amendments, and Note No. 7.

SEC. 5. No person holding any office or place under the United States, this State, or any other power, shall exercise the office of Governor.

SEC. 6. The Governor shall at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

SEC. 7. He shall be commander-in-chief of the army and navy of the State and of the militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State, without their consent or that of the Legislature, unless it shall become necessary, in order to march or transport them from one part of the State to another for the defence thereof.

SEC. 8. He shall nominate, and, with the advice and consent of the council, appoint all judicial officers, coroners, and notaries public; and he shall also nominate, and with the advice and consent of the council, appoint all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for; and every such nomination shall be made seven days, at least, prior to such appointment.[17]

SEC. 9. He shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient.

SEC. 10. He may require information from any military officer or any officer in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall have power, with the advice and consent of the council, to remit, after conviction, all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations, as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. And he shall communicate to the Legislature at each session thereof, each case of reprieve, remission of penalty, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation or pardon, and the conditions, if any, upon which the same was granted.[18]

SEC. 12. He shall take care that the laws be faithfully executed.

SEC. 13. He may, on extraordinary occasions, convene the Legislature; and in cases of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.[19]

SEC. 14. Whenever the office of the Governor shall become vacant by death, resignation, removal from office or otherwise, the president of the Senate shall exercise the office of Governor until another Governor shall be duly qualified: and in case of the death, resignation, removal from office or disqualification of the president of the Senate, so exercising the office of Governor, the speaker of the House of Representatives shall exercise the office, until a president of the Senate shall have been chosen; and when the office of Governor, president of the Senate, and speaker of the House shall become vacant, in the recess of the Senate, the person, acting as Secretary of State for the time being, shall by proclamation convene the Senate, that a president may be chosen to exercise the office of Governor. And whenever either the president of the Senate or speaker of the House shall so exercise said office, he shall receive only the compensation of Governor, but his duties as president or speaker shall be suspended; and the Senate or House shall fill the vacancy until his duties as Governor shall cease.

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[17] Modified in substance by the resolutions of Mch. 17, 1855, and Feb. 24, 1875.

[18] Amended by the resolution of Feb. 24, 1875, ratified at the town meetings of September, 1875.

[19] See Article XXIII of Amendments.

ARTICLE V.—Part Second.

COUNCIL.

Section 1. There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble; and he with the Councilors, or a majority of them, may from time to time, hold and keep a council, for ordering and directing the affairs of State, according to law.

Sec. 2. The Councilors shall be chosen annually, on the first Wednesday of January, by joint ballot of the senators and representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the same manner; but not more than one Councilor shall be elected from any district, prescribed for the election of senators; and they shall be privileged from arrest in the same manner as senators and representatives.[20]

Sec. 3. The resolutions and advice of Council, shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either house of the Legislature; and any Councilor may enter his dissent to the resolution of the majority.

Sec. 4. No member of congress, or of the Legislature of this State, nor any person holding any office under the United States (post officers excepted), nor any civil officers under this State (justices of the peace and notaries public excepted), shall be Councilors. And no Councilor shall be appointed to any office during the time for which he shall have been elected.

ARTICLE V.—Part Third.

SECRETARY.

Section 1. The Secretary of State shall be chosen annually at the first session of the Legislature, by joint ballot of the senators and representatives in convention.[19]

Sec. 2. The records of the State shall be kept in the office of the Secretary, who may appoint his deputies, for whose conduct he shall be accountable.

Sec. 3. He shall attend the Governor and Council, Senate and House of Representatives, in person or by his deputies, as they shall respectively require.

Sec. 4. He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

ARTICLE V.—Part Fourth.

TREASURER.

Section 1. The Treasurer shall be chosen annually, at the first session of the Legislature, by joint ballot of the senators and representatives in convention, but shall not be eligible more than five years successively.[19]

Sec. 2. The Treasurer shall, before entering on the duties of his office, give bond to the State, with sureties, to the satisfaction of the Legislature, for the faithful discharge of his trust.

Sec. 3. The treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

Sec. 4. No money shall be drawn from the treasury, but by warrant from the Governor and Council, and in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the annual session of the Legislature.[19]

[20] Amended by the resolutions of Mch. 19, 1844, and Aug. 21, 1850; see Article XXIII of the Amendments and Note No. 7.

ARTICLE VI.

JUDICIAL POWER.

SECTION 1. The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.

SEC. 2. The justices of the Supreme Judicial Court shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.

SEC. 3. They shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives.

SECTION 4. All judicial officers now in office or who may be hereafter appointed shall, from and after the first day of March in the year eighteen hundred and forty, hold their offices for the term of seven years from the time of their respective appointments, (unless sooner removed by impeachment or by address of both branches of the Legislature to the Executive) and no longer unless re-appointed thereto.[21]

SECTION 5. Justices of the peace and notaries public shall hold their offices during seven years, if they so long behave themselves well, at the expiration of which term, they may be re-appointed or others appointed, as the public interest may require.

SECTION 6. The justices of the Supreme Judicial Court shall hold no office under the United States, nor any State, nor any other office under this State, except that of justice of the peace.

SECTION 7. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in at the annual election, on the second Monday of September, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid, at the September election next after their occurrence; and in the meantime, the Governor, with the advice and consent of the Council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January thereafter.[22]

SEC. 8. Judges of municipal and police courts shall be appointed by the executive power, in the same manner as other judicial officers, and shall hold their offices for the term of four years; provided, however, that the present incumbents shall hold their offices for the term for which they were elected.[23]

ARTICLE VII.

MILITARY.

SECTION 1. The captains and subalterns of the militia shall be elected by the written votes of the members of their respective companies. The field officers of regiments by the written votes of the captains and subalterns of their respective regiments. The brigadier generals in like manner, by the field officers of their respective brigades.

SEC. 2. The Legislature shall, by law, direct the manner of notifying the electors, conducting the elections, and making returns to the Governor of the officers elected; and, if the electors shall neglect or refuse to make such elections, after being duly notified according to law, the Governor shall appoint suitable persons to fill such offices.

SEC. 3. The major generals shall be elected by the Senate and House of

[21] Amended by resolution proposed by the legislature on Mch. 14, 1839, and ratified at the annual meeting of September, 1839.

[22] Section 7 is a new section; it was proposed by the legislature on Mch. 17, 1855, ratified at the September town meetings, 1855, and declared adopted on Feb. 28, 1856. See Article XXIII, Amendments.

[23] Section 8 is a new section; it was proposed by the legislature on Mch. 17, 1855, ratified at the September town meetings of 1855, and declared adopted on Feb. 28, 1856. The present amendment was proposed on Feb. 24, 1875, and ratified at the town meetings of September, 1875.

Representatives, each having a negative on the other. The adjutant general and quartermaster general shall be chosen annually by joint ballot of the senators and representatives in convention. But the adjutant general shall perform the duties of quartermaster general, until otherwise directed by law. The major generals and brigadier generals, and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the Governor.[24]

SEC. 4. The militia, as divided into divisions, brigades, regiments, battalions and companies pursuant to the laws now in force, shall remain so organized, until the same shall be altered by the Legislature.

SEC. 5. Persons of the denominations of quakers and shakers, justices of the Supreme Judicial Court and ministers of the gospel may be exempted from military duty, but no other person of the age of eighteen and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted, unless he shall pay an equivalent to be fixed by law.

ARTICLE VIII.

LITERATURE.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be the duty to encourage and suitably endow from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

ARTICLE IX.

GENERAL PROVISIONS.

SECTION 1. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I ———— do swear, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen thereof. So help me God."

"I ———— do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as ———— according to the Constitution and laws of the State. So help me God." Provided, that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the Governor and councilors before the presiding officer of the Senate, in the presence of both houses of the Legislature, and by the senators and representatives before the Governor and Council, and by the residue of said officers, before such persons as shall be prescribed by the Legislature; and whenever the Governor or any councilor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, said oaths or affirmations may be taken and subscribed in the recess of the Legislature before any justice of the Supreme Judicial Court; provided, that the senators and representatives,

[24] Amendment proposed by the resolution of Mch. 17, 1855, ratified at the annual September town meetings of 1855, and declared adopted on Feb. 28, 1856. See Articles XXIII and XXVIII of the Amendments.

first elected under this Constitution, shall take and subscribe such oaths or affirmations before the president of the convention.

SEC. 2. No person holding the office of justice of the Supreme Judicial Court, or of any inferior court, attorney general, county attorney, treasurer of the State, adjutant general, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising at the same time within this State, more than one of the offices before mentioned.

SEC. 3. All commissions shall be in the name of the State, signed by the Governor, attested by the secretary or his deputy, and have the seal of the State thereto affixed.

SEC. 4. And in case the elections required by this Constitution on the first Wednesday of January annually, by the two houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order; the vacancies in the Senate shall be first be filled; the Governor shall then be elected, if there be no choice by the people; and afterwards the two houses shall elect the council.[25]

SEC. 5. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor, with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either house, the causes of removal shall be stated and entered on the journal of the house in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defense.

SEC. 6. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor and Council.

SEC. 7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

SEC. 8. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof.[26]

SEC. 9. The Legislature shall never, in any manner, suspend or surrender the power of taxation.[27]

SEC. 10. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the second Monday of September, and shall hold their offices for two years from the first day of January next after their election. Vacancies shall be filled in the same manner as is provided in the case of judges and registers of probate.[28]

SEC. 11. The attorney general shall be chosen annually by joint ballot of the senators and representatives in the convention. Vacancy in said office, occurring when the Legislature is not in session, may be filled by the appointment of the Governor with the advice and consent of the Council.[28]

SEC. 12. But citizens of this State, absent therefrom in the military service of the United States or of this State, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in

[25] Amended by the resolutions of Mch. 19, 1844, and Aug. 21, 1850. See Article XXIII of Amendments, and Note No. 7.

[26] Amendment proposed by the legislature on Feb. 24, 1875, and ratified at the annual September town meetings of 1875. See Article XXXVI of Amendments proposed in 1915.

[27] Section 9 is a new section; it was proposed by the legislature on Feb. 24, 1875, and ratified at the annual September town meetings of 1875.

[28] Sections 10 and 11 are new sections; they were proposed by the legislature on Mch. 17, 1855, ratified at the annual September town meetings of 1855, and declared adopted on Feb. 28, 1856. Section 11 was amended by the resolution of Feb. 24, 1875, and ratified at the September town meetings of 1875. Sections 10 and 11 were formerly 9 and 10 but were renumbered in 1876. See Article XXIII of Amendments.

the same manner and with the same effect as if given on the second Monday of September in that year. And they shall be allowed to vote for all such officers on the second Monday in September annually thereafter forever. And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for Governor, senators and representatives, as provided in section four, article second of this Constitution.[29]

SEC. 13. The Legislature may enact laws excluding from the right of suffrage, for a term not exceeding ten years, all persons convicted of bribery at any election, or of voting at any election, under the influence of a bribe.[30]

SEC. 14. The credit of the State shall not be directly or indirectly loaned in any case. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except to suppress insurrection, to repel invasion, or for purposes of war; but this amendment shall not be construed to refer to any money that has been, or may be deposited with this State by the government of the United States, or to any fund which the State shall hold in trust for any Indian tribe.[31]

SEC. 15. The State is authorized to issue bonds payable within twenty-one years, at a rate of interest not exceeding six per cent. a year, payable semi-annually, which bonds or their proceeds shall be devoted solely towards the reimbursement of the expenditures incurred by the cities, towns and plantations of the State for war purposes during the rebellion, upon the following basis: Each city, town and plantation shall receive from the State one hundred dollars for every man furnished for the military service of the United States under and after the call of July second, eighteen hundred and sixty-two, and accepted by the United States towards its quota for the term of three years, and in the same proportion for every man so furnished and accepted for any shorter period; and the same shall be in full payment for any claim upon the State on account of its war debts by any such municipality. A commission appointed by the Governor and Council shall determine the amount to which each city, town and plantation is entitled; to be devoted to such reimbursement, the surplus, if any, to be appropriated to the soldiers who enlisted or were drafted and went at any time during the war, or if deceased, to the legal representatives. The issue of bonds hereby authorized shall not exceed in the aggregate three million five hundred thousand dollars, and this amendment shall not be construed to permit the credit of the State to be directly or indirectly loaned in any other case or for any other purpose.[32]

SEC. 16. The Legislature may by law authorize the dividing of towns having not less than four thousand inhabitants, or having voters residing on any island within the limits thereof, into voting districts for the election of representatives to the Legislature, and prescribe the manner in which the votes shall be received, counted, and the result of the election declared.[33]

ARTICLE X.

SCHEDULE.

SECTION 1. All laws now in force in this State, and not repugnant to this Constitution, shall remain, and be in force until altered or repealed by the Legislature, or shall expire by their own limitation.

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[29] Section 12 is a new section; it was proposed by the legislature on Mch. 24, 1864, and ratified at the September town meetings of 1864. This section was originally designated as number 11. See Article XXIII of Amendments.

[30] Section 13 is a new section, proposed by the resolution of Feb. 24, 1875.

[31] Section 14 is a new section; it was proposed by the legislature on July 26, 1847, ratified at the September town meetings of 1847, and declared adopted on July 29, 1848.

[32] Section 15 is a new section; it was proposed by the legislature on Mch. 7, 1868, and ratified at the September town meetings of 1868.

[33] Section 16 is a new section; it was proposed by the legislature on Mch. 13, 1869, and was ratified at the September town meetings of 1869.

Section 17 was added by Article XXXV of the Amendments.

SEC. 2. The Legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this Constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at their next annual meetings in the month of September, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.[34]

SEC. 3. After the amendments proposed herewith shall have been submitted to popular vote, the chief justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles, and in proper articles, parts and sections, omitting all sections, clauses and words not in force, and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature at its next session. And the draft, and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the laws of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.[35]

SEC. 4. Sections one, two and five, of article ten of the existing Constitution, shall hereafter be omitted in any printed copies thereof prefixed to the laws of the State; but this shall not impair the validity of acts under those sections; and section five shall remain in full force, as part of the Constitution, according to the stipulations of said section, with the same effect as if contained in said printed copies.[35]

AMENDMENTS

To the Amended Constitution of Maine, adopted in pursuance of the second section of the tenth article of the Amended Constitution.

ARTICLE XXII.

LIMITATION OF MUNICIPAL INDEBTEDNESS.

No city or town shall hereafter create any debt or liability, which singly, or in the aggregate with previous debts or liabilities, shall exceed five per centum of the last regular valuation of said city or town; provided, however, that the adoption of this article shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans or for war, or to temporary loans to be paid out of money raised by taxation, during the year in which they are made.[36]

ARTICLE XXIII.

BIENNIAL ELECTIONS AND BIENNIAL SESSIONS.

The governor, senators and representatives in the legislature, shall be elected biennially, and hold office two years from the first Wednesday in January next succeeding their election; and the legislature, at the first session next after the adoption of this article, shall make all needful provisions by law concerning the tenure of office of all county officers and concerning the annual or biennial reports of the state treasurer and other state officers and institutions; and shall make all such provisions by law as may be required in consequence of the change from annual to biennial elections, and from annual to biennial sessions of the legislature. The first election under this Article

[34] See Articles XXIII, XXXII and XXXVII of the Amendments.

[35] Sections 3 and 4 are new sections; they were proposed by the legislature on Feb. 24, 1875, and ratified at the September town meetings of 1875.

[36] Proposed by the legislature on Feb. 9, 1877, ratified on Sept. 10, 1877, effective Jan. 2, 1878. Amended by Article XXXIV of Amendments.

shall be in the year one thousand eight hundred and eighty; and the first meeting of the legislature under this article shall be on the first Wednesday of January, eighteen hundred and eighty-one.

Section four, article two; section five, part one, article four; section four, part two, article four; section one, part three, article four; section thirteen, part one, article five; section two, part two, article five; section one, part three, article five; section one, part four, article five; section four, part four, article five; section three, article seven; section four, article nine, and section eleven, article nine, are amended, by substituting the word "biennial" for the word "annual" wherever it occurs.

Section two, part one, article five, is amended, by striking out all after the word "office" and substituting therefor the following words: "for two years from the first Wednesday of January next following the election." Section seven, article six, and section two, article ten, are hereby amended by striking out the word "annual" and insert in place thereof the word "biennial."[37]

ARTICLE XXIV.

ELECTION OF GOVERNOR BY PLURALITY VOTE.

The constitution of this State shall be amended, in the third section of the first part of article five, by striking out the word "majority," wherever it occurs therein, and inserting in the place thereof the word "plurality."[38]

ARTICLE XXV.

BIENNIAL LEGISLATIVE TERMS.

Section two, article four, part first, of the constitution of this state, as amended under the "resolutions concerning an amendment of the constitution of Maine," approved the fourth day of March, in the year eighteen hundred and seventy-nine, shall be further amended by striking out the words "first Wednesday in January next succeeding their election," and inserting in place thereof the words "day next preceding the biennial meeting of the legislature, and the amendment herein proposed, if adopted, shall determine the term of office of senators and representatives to be elected at the annual meeting in September, in the year eighteen hundred and eighty, as well as the term of senators, and representatives thereafter to be elected," so that said section, as amended, shall read as follows:

"SEC. 2. The house of representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the biennial meeting of the legislature, and the amendment herein proposed, if adopted, shall determine the term of office of senators and representatives to be elected at the annual meeting in September, in the year eighteen hundred and eighty, as well as the term of senators and representatives thereafter to be elected. The legislature, which shall first be convened under this constitution, shall on or before the fifteenth day of August, in the year of our Lord one thousand eight hundred and twenty-one, and the legislature, within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the state to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of representatives shall, on said first apportionment, be not less than one hundred and not more than one hundred and fifty."[39]

[37] Proposed by the legislature on Mch. 4, 1879, ratified Sept. 8, 1879, effective Mch. 18, 1880.

[38] Proposed by the legislature on Jan. 27, 1880, ratified Sept. 13, 1880, effective Nov. 9, 1880.

[39] Proposed by the legislature on Mch. 18, 1880, and ratified on Sept. 13, 1880. The amendment was never proclaimed by the governor nor declared adopted by the legislature.

ARTICLE XXVI.

PROHIBITION OF THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider may be permitted under such regulations as the Legislature may provide. The Legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified.[40]

ARTICLE XXVII.

ELIGIBILITY OF THE TREASURER OF STATE.

The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the Senators and Representatives in convention, but shall not be eligible more than six years successively[41]

ARTICLE XXVIII.

APPOINTMENT OF ADJUTANT GENERAL.

The major generals shall be elected by the senate and house of representatives each having a negative on the other. The adjutant general and quartermaster general shall be appointed by the governor. But the adjutant general shall perform the duties of quarter-master general until otherwise directed by law. The major generals and brigadier generals and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the governor.[42]

ARTICLE XXIX.

EDUCATIONAL QUALIFICATION OF VOTERS.

No person shall have the right to vote or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language and write his name; provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect.[43]

ARTICLE XXX.

VACANCIES IN THE SENATE.

Section five, in article four, part two, is hereby amended by striking out the words "and in this manner all vacancies in the senate shall be supplied as soon as may be after such vacancies happen," and substituting therefor the following:

"But all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented district. The governor shall issue his proclamation therefor and therein fix the time of such election."[44]

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[40] Proposed by the legislature on Feb. 21, 1883, ratified on Sept. 8, 1884, effective on the first Wednesday of January, 1885.

[41] Proposed by the legislature on Mch. 10, 1887, ratified on Sept. 10, 1888, effective on the first Wednesday of January, 1889.

[42] Proposed by the legislature on Mch. 31, 1891, ratified on Sept. 12, 1892, effective on the first Wednesday of January, 1893.

[43] Proposed by the legislature on Apr. 2, 1891, ratified on Sept. 12, 1892, effective on the first Wednesday of January, 1893.

[44] Proposed by the legislature on Mch. 27, 1897, ratified on Sept. 12, 1898, effective on the first Wednesday of January, 1899.

ARTICLE XXXI.

DIRECT INITIATIVE AND OPTIONAL REFERENDUM.

Part first of article four is hereby amended as follows, namely:

By striking out all of section one after the word "Maine" in the third line thereof, and inserting in lieu thereof the following words: "But the people reserve to themselves power to propose and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by the joint action of both branches of the legislature, and the style of their laws and acts shall be 'Be it enacted by the people of the state of Maine,'" so that said section as amended shall read as follows, namely:

"The legislative power shall be vested in two distinct branches," a house of representatives and a senate, each to have a negative on the other, and both to be styled the legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by the joint action of both branches of the legislature, and the style of their laws and acts shall be, 'Be it enacted by the people of the state of Maine.'"

Part third of article four is hereby amended as follows, namely:

By inserting in section one, after the words "biennially and" in the second line thereof, the words "with the exceptions hereinafter stated," so that said section shall read as amended:

"The legislature shall convene on the first Wednesday of January, biennially, and, with the exceptions hereinafter stated shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant to this constitution nor to that of the United States."

Part third of article four is further amended by adding to said article the following sections to be numbered from sixteen to twenty-two inclusive, namely:

"Sect. 16. No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency (which with the facts constituting the emergency shall be expressed in the preamble of the act,) the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate."

"Sect. 17. Upon written petition of not less than ten thousand electors, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof, passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said

written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.

"Sect. 18. The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the state constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state or presented to either branch of the legislature at least thirty days before the close of its session. Any measure thus proposed by not less than twelve thousand electors, unless enacted without change by the legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The legislature may order a special election on any measure that is subject to a vote of the people. The governor may, and if so requested in the written petitions addressed to the legislature, shall, by proclamation, order any measure proposed to the legislature by at least twelve thousand electors as herein provided, and not enacted by the legislature without change, referred to the people at a special election to be held not less than four or more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the legislature, to which such measure was proposed.

"Sect. 19. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in thirty days after the governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined. The veto power of the governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the legislature without change, if vetoed by the governor and if his veto is sustained by the legislature shall be referred to the people to be voted on at the next general election. The legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote.

"Sect. 20. As used in either of the three preceding sections the words 'electors' and 'people' mean the electors of the state qualified to vote for governor; 'recess of the legislature' means the adjournment without day of a session of the legislature; 'general election' means the November election for choice of presidential electors or the September election for choice of governor and other state and county officers; 'measure' means an act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; 'written petition' means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for governor. The petitions shall set forth the full text of the measure requested or proposed. The full text of a measure submitted to a vote of the people under the provisions of the constitution need not be printed on the official ballots, but, until otherwise provided by the legislature, the secretary of state shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

"Sect. 21. The city council of any city may establish the initiative and refer-

endum for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such initiative and referendum shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. Provided, however, that the legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs."

"Sect. 22. Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing."[45]

ARTICLE XXXII.

SUBMISSION OF AMENDMENTS.

Section two in article ten as amended by the resolve of the fifty-eighth legislature passed March fourth, eighteen hundred and seventy-nine, and adopted September eighth, eighteen hundred and seventy-nine, is hereby further amended by striking out the words: "in the manner prescribed by law, at their next biennial meetings in the month of September," and inserting in place thereof the words: 'to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives on the second Monday in September following the passage of said resolve;" so that said section as amended, shall read as follows:

"Section 2. The legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this constitution; and, when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the second Monday in September following the passage of said resolve, to give in their votes on the question, whether such amendments shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this constitution."[46]

ARTICLE XXXIII.

SEAT OF GOVERNMENT.

Augusta is hereby declared to be the seat of government of this state.[47]

ARTICLE XXXIV.

MUNICIPAL INDEBTEDNESS.

That the following amendment to the constitution of this state be proposed for the action of the legal voters of this state in the manner provided by the constitution, to wit, article twenty-two of said constitution, limiting municipal indebtedness, is hereby amended by inserting after the word "town" in the first line thereof, the following words, "having less than forty thousand inhabitants, according to the last census taken by the United States," and by inserting after the word "however" in the fourth line, the following words, "that cities having a population of forty thousand or more, according to the last census taken by the United States may create a debt or liability

[45] Proposed by the legislature on Mch. 20, 1907, ratified on Sept. 14, 1908, effective on the first Wednesday of January, 1909.

[46] Proposed by the legislature on Mch. 28, 1907, ratified on Sept. 14, 1908, effective on the first Wednesday of January, 1909. See Article XXXVII of Amendments.

[47] Proposed by the legislature on Mch. 31, 1911, ratified on Sept. 11, 1911, effective on Jan. 23, 1913.

which single or in the aggregate with previous debt or liability, shall equal seven and one-half per centum of the last regular valuation of said city, that cities of forty thousand inhabitants or over, may, by a majority vote of their city government, increase the present rate of five per centum by one-fourth of one per centum in any one municipal year until in not less than ten years, the maximum rate of seven and one-half per cent is reached, that any city failing to take the increase in any one municipal year then the increase for that year is lost and no increase can be made until the next year as provided above, and provided further," so that said article as amended, shall read as follows:

"No city or town having less than forty thousand inhabitants, according to the last census taken by the United States, shall hereafter create any debt or liability, which single or in the aggregate, with previous debts or liabilities shall exceed five per centum of the last regular valuation of said city or town: provided, however, that cities having a population of forty thousand or more, according to the last census taken by the United States, may create a debt or liability which single or in the aggregate, with previous debts or liabilities, shall equal seven and one-half per cent of the last regular valuation of said city, that cities of forty thousand inhabitants, or over, may, by a majority vote of their city government, increase the present rate of five per centum by one-fourth of one per cent in any one municipal year, until, in not less than ten years, the maximum rate of seven and one-half per cent is reached, that any city failing to take the increase in any one municipal year then the increase for that year is lost and no increase can be made until the next year as provided above, and provided further, that the adoption of this article shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans, or for war or to temporary loans to be paid out of the money raised by taxes during the year in which they were made."[48]

ARTICLE XXXV.

STATE HIGHWAY BONDS.

Article nine of the constitution is hereby amended by adding the following section:

"Section 17. The legislature may authorize the issuing of bonds not exceeding two million dollars in amount at any one time, payable within forty-one years, at a rate of interest not exceeding four per centum per annum, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building and maintaining of state highways; provided, however, that bonds issued and outstanding under the authority of this section shall never, in the aggregate, exceed two million dollars; the expenditure of said money to be divided equitably among the several counties of the state."

Section fourteen of said article is amended by adding after the word "except," in the fifth line thereof, the following words: "For the purposes of building and maintaining of state highways," so that said section fourteen, as amended, shall read as follows:

"Section 14. The credit of the state shall not be directly or indirectly loaned in any case. The legislature shall not create any debt or debts, liability or liabilities, on behalf of the state, which shall singly, or in the aggregate with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except for the purposes of building and maintaining of state highways, to suppress insurrection, to repel invasion, or for purposes of war; but this amendment shall not be construed to refer to any money that has been or may be deposited with this state by the government of the United States, or to any fund which the state shall hold in trust for any Indian tribe."[49]

[48] Proposed by the legislature on Mch. 31, 1911, ratified on Sept. 11, 1911, effective Jan. 23, 1913.

[49] Proposed by the legislature on Mch. 25, 1912, ratified on Sept. 9, 1912, effective on Jan. 23, 1913.

ARTICLE XXXVI.

CLASSIFICATION OF PROPERTY FOR TAXATION.

Section eight of article nine of the constitution is hereby amended by adding to said section the following words: "But the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property." so that said section as amended shall read as follows:

"SECTION 8. All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property."[50]

ARTICLE XXXVII.

SUBMISSION OF AMENDMENTS.

Section two in article ten as amended by the resolve of the fifty-eighth legislature passed March fourth, eighteen hundred and seventy-nine, and adopted September eighth, eighteen hundred and seventy-nine, as amended by the resolve of the seventy-third legislature passed March twenty-eighth, nineteen hundred and seven, and adopted September fourteenth, nineteen hundred and eight, is hereby further amended by inserting after the word "plantations" in the seventh line of said section two the following words: "in the manner prescribed by law at the next biennial meetings in the month of September or," so that said section as amended shall read as follows:

"SECTION 2. The legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations empowering and directing them to notify the inhabitants of their respective towns and plantations in the manner prescribed by law at the next biennial meetings in the month of September or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the second Monday in September following the passage of said resolve, to give in their votes on the question, whether such amendments shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this constitution."[51]

[50] Proposed by the legislature on April 4, 1913, ratified on Nov. 4, 1913, effective Mch. 31, 1915.

[51] Proposed by the legislature on April 12, 1913, ratified on Nov. 4, 1913, effective Mch. 31, 1915.

CONSTITUTION OF MARYLAND—1867.*

DECLARATION OF RIGHTS.

We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State for the sure foundation and more permanent security thereof, declare:

ARTICLE 1. That all Government of right originates from the People, is found in compact only, and instituted solely for the good of the whole; and they have, at all times, the inalienable right to alter, reform or abolish their form of Government in such manner as they may deem expedient.

ART. 2. The Constitution of the United States, and the Laws made or which shall be made in pursuance thereof, and all Treaties made, or which shall be made, under the authority of the United States, are and shall be the Supreme Law of the State, and the judges of this state, and all the people of this state are, and shall be bound thereby, anything in the Constitution or Law of this State to the contrary notwithstanding.

ART. 3. The powers not delegated to the United States by the Constitution thereof, nor prohibited by it to the States, are reserved to the States respectively, or to the People thereof.

ART. 4. That the People of this State have the sole and exclusive right of regulating the internal government and police thereof as a free, sovereign and independent State.

ART. 5. That the Inhabitants of Maryland are entitled to the Common Law of England, and the trial by Jury, according to the course of that law, and to the benefit of such of the English statutes as existed on the Fourth day of July, seventeen hundred and seventy-six; and which, by experience, have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the Courts of Law or Equity; and also of all Acts of Assembly in force on the first day of June, eighteen hundred and sixty-seven; except such as may have since expired, or may be inconsistent with the provisions of this Constitution; subject, nevertheless, to the revision of, and amendment or repeal by, the Legislature of this State. And the Inhabitants of Maryland are also entitled to all property derived to them from or under the Charter granted by His Majesty, Charles the First, to Cæcilius Calvert, Baron of Baltimore.

ART. 6. That all persons invested with the Legislative or Executive powers of Government are Trustees of the Public, and as such, accountable for their conduct: Wherefore, whenever the ends of Government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the People may, and of right ought to reform the old, or establish a new Government; the doctrine of nonresistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

ART. 7. That the right of the People to participate in the Legislature is the best security of liberty and the foundation of all free Government; for this purpose elections ought to be free and frequent, and every white male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.[1]

ART. 8. That the Legislative, Executive and Judicial powers of Govern-

* The constitution of Maryland was drafted by a convention which assembled at Annapolis on May 8, and adjourned on August 17, 1867. It was submitted to the voters on September 18, 1867, and was ratified by a vote of 47,152 in favor to 23,036 against. The constitution was submitted as a whole and no proposition was submitted separately. The constitution became effective on October 5, 1867.

[1] The word "white" is obsolete under the provisions of the Fifteenth Amendment of the Constitution of the United States.

ment ought to be forever separate and distinct from each other; and no person exercising the functions of one of said Departments shall assume or discharge the duties of any other.

ART. 9. That no power of suspending Laws or the execution of Laws, unless by, or derived from the Legislature, ought to be exercised, or allowed.

ART. 10. That freedom of speech and debate, or proceedings in the Legislature, ought not to be impeached in any Court of Judicature.

ART. 11. That Annapolis be the place of meeting of the Legislature; and the Legislature ought not to be convened, or held at any other place but from evident necessity.

ART. 12. That for redress of grievances, and for amending, strengthening, and for preserving the laws, the Legislature ought to be frequently convened.

ART. 13. That every man hath a right to petition the Legislature for the redress of grievances in a peaceful and orderly manner.

ART. 14. That no aid, charge, tax, burthen or fees ought to be rated, or levied, under any pretence, without the consent of the Legislature.

ART. 15. That the levying of taxes by the poll is grievous and oppressive and ought to be prohibited; that paupers ought not to be assessed for the support of the government; that the General Assembly shall, by uniform rules, provide for separate assessment of land and classification and subclassifications of improvements on land and personal property, as it may deem proper; and all taxes thereafter provided to be levied by the State for the support of the general State Government, and by the counties and by the City of Baltimore for their respective purposes, shall be uniform as to land within the taxing district, and uniform within the class or subclass of improvements on land and personal property which the respective taxing powers may have directed to be subjected to the tax levy; yet fines, duties or taxes may properly and justly be imposed, or laid with a political view for the good government and benefit of the community.[2]

ART. 16. That sanguinary Laws ought to be avoided as far as it is consistent with the safety of the State; and no Law to inflict cruel and unusual pains and penalties ought to be made in any case, or at any time, hereafter.

ART. 17. That retrospective Laws, punishing acts committed before the existence of such Laws, and by them only declared criminal are oppressive, unjust and incompatible with liberty; wherefore, no ex post facto Law ought to be made; nor any retrospective oath or restriction be imposed or required.

ART. 18. That no law to attaint particular persons of treason or felony, ought to be made in any case, or at any time, hereafter.

ART. 19. That every man, for any injury done to him in his person or property ought to have remedy by the course of the Law of the Land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to Law of the Land.

ART. 20. That the trial of facts, where they arise, is one of the greatest securities of the lives, liberties and estate of the People.

ART. 21. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the Indictment, or Charge in due time (if required) to prepare for his defense; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

ART. 22. That no man ought to be compelled to give evidence against himself in a criminal case.

ART. 23. That no man ought to be taken or imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the Law of the Land.

ART. 24. That slavery shall not be re-established in this State; but, hav

[2] Amendment proposed by the legislature of 1914 and ratified on November 2, 1915.

ing been abolished, under the policy and authority of the United States, compensation, in consideration thereof, is due from the United States.

ART. 25. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the Courts of Law.

ART. 26. That all warrants, without oath or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal, and ought not to be granted.

ART. 27. That no conviction shall work corruption of blood or forfeiture of estate.

ART. 28. That a well regulated Militia is the proper and natural defense of a free Government.

ART. 29. That Standing Armies are dangerous to liberty, and ought not to be raised, or kept up, without the consent of the Legislature.

ART. 30. That in all cases, and at all times, the military ought to be under strict subordination to, and control of, the civil power.

ART. 31. That no soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by Law.

ART. 32. That no person except regular soldiers, marines, and mariners in the service of this State, or militia, when in actual service, ought, in any case, to be subject to, or punishable by, Martial Law.

ART. 33. That the independency and uprightness of Judges are essential to the impartial administration of Justice, and a great security to the rights and liberties of the People; wherefore, the Judges shall not be removed, except in the manner, and for the causes, provided in this Constitution. No Judge shall hold any other office, civil or military or political trust, or employment of any kind whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them; or receive fees, or perquisites of any kind, for the discharge of his official duties.

ART. 34. That a long continuance in the Executive Departments of power or trust is dangerous to liberty; a rotation, therefore, in those Departments is one of the best securities of permanent freedom.

ART. 35. That no person shall hold, at the same time more than one office of profit, created by the Constitution or Laws of this State; nor shall any person in public trust receive any presents from any foreign Prince or State, or from the United States, or any of them, without the approbation of this State.

ART. 36. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore, no person ought, by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain, or contribute, unless on contract, to maintain any place of worship or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief; provided, he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or the world to come.

ART. 37. That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.

ART. 38. That every gift, sale or devise of land to any Minister, Public Teacher or Preacher of the Gospel, as such, or to any Religious Sect, Order or

Denomination, or to, or for the support, use or benefit of, or in trust for, any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination; any every gift or sale of goods, or chattels, to go in succession, or to take place after the death of the Seller or Donor, to or for such support, use or benefit; and also every devise of goods or chattels to or for the support, use or benefit of any Minister, Public Teacher or Preacher of the Gospel, as such, or any Religious Sect, Order or Denomination, without the prior or subsequent sanction of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land, not exceeding five acres, for a church, meeting-house, or other house of worship, or parsonage, or for a burying-ground, which shall be improved, enjoyed or used only for such purpose; or such sale, gift, lease or devise shall be void.

ART. 39. That the manner of administering the oath or affirmation to any person ought to be such as those of the religious persuasion, profession, or denomination, of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

ART. 40. That the liberty of the press ought to be inviolably preserved; that every citizen of the State ought to be allowed to speak, write and publish his sentiments on all subjects, being responsible for the abuse of that privilege.

ART. 41. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

ART. 42. That no title or hereditary honors ought to be granted in this State.

ART. 43. That the Legislature ought to encourage the diffusion of knowledge and virtue, the extension of a judicious system of general education, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general amelioration of the condition of the people.

ART. 44. That the provisions of the Constitution of the United States, and of this State, apply as well in time of war as in time of peace; and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government and tends to anarchy and despotism.

ART. 45. This enumeration of Rights shall not be construed to impair or deny others retained by the People.

ARTICLE I.

ELECTIVE FRANCHISE.

SECTION 1. All elections shall be by ballot; and every white male citizen of the United States, of the age of twenty-one years, or upwards, who has been a resident of the State for one year, and of the Legislative District of Baltimore city, or of the county, in which he may offer to vote, for six months next preceding the election, shall be entitled to vote, in the ward or election district in which he resides, at all elections hereafter to be held in this State; and in case any county or city shall be so divided as to form portions of different electoral districts, for the election of Representatives in Congress, Senators, Delegates, or other Officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county, or city, which shall form a part of the electoral district, in which he offers to vote, for six months next preceding the election; but a person, who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.[3]

SEC. 2. No person above the age of twenty-one years, convicted of larceny or other infamous crime, unless pardoned by the Governor, shall ever thereafter, be entitled to vote at any election in this State; and no person

[3] The word "white" is obsolete under the Fifteenth Amendment of the Federal Constitution.

under guardianship, as a lunatic, or as a person non compos mentis, shall be entitled to vote.

SEC. 3. If any person shall give, or offer to give, directly or indirectly, any bribe, present or reward, or any promise, or any security, for the payment or delivery of money, or any other thing, to induce any voter to refrain from casting his vote, or to prevent him in any way from voting, or to procure a vote for any candidate or person proposed, or voted for as an elector of President and Vice-President of the United States, or Representative in Congress or for any office of profit or trust, created by the Constitution or Laws of this State, or by the Ordinances, or authority of the Mayor and City Council of Baltimore, the person giving, or offering to give and the person receiving the same, and any person who gives or causes to be given, an illegal vote, knowing it to be such, at any election to be hereafter held in this State, shall, on conviction in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

But the General Assembly may, in its discretion, remove the above penalty and all other penalties upon the vote seller so as to place the penalties for the purchase of votes on the vote buyer alone.[4]

SEC. 4. It shall be the duty of the General Assembly to pass Laws to punish, with fine and imprisonment, any person who shall remove into any election district or precinct of any ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in this Article), or shall, at the same election, vote in more than one election district, or precinct, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

SEC. 5. The General Assembly shall provide by law for a uniform Registration of the names of all the voters in this State who possess the qualifications prescribed in this Article which Registration shall be conclusive evidence to the Judges of election of the right of every person thus registered to vote at any election thereafter held in this State; but no person shall vote at any election, Federal or State, hereafter to be held in this State, or at any municipal election in the city of Baltimore, unless his name appears in the list of registered voters; and until the General Assembly shall hereafter pass an Act for the Registration of the names of voters, the law in force on the first day of June, in the year eighteen hundred and sixty-seven, in reference thereto, shall be continued in force, except so far as it may be inconsistent with the provisions of this Constitution; and the registry of voters, made in pursuance thereof, may be corrected, as provided in said law; but the names of all persons shall be added to the list of qualified voters by the officers of Registration, who have the qualifications prescribed in the first section of this Article, and who are not disqualified under the provisions of the second and third sections thereof.

SEC. 6. Every person elected or appointed to any office of profit or trust, under this Constitution, or under the laws, made pursuant thereto, shall, before he enters upon the duties of such office, take and subscribe the following oath or affirmation: I, ———, do swear (or affirm, as the case may be), that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice execute the office of ———, according to the Constitution and Laws of this State (and, if a Governor, Senator, Member of the House of Delegates, or Judge), that I will not, directly or indirectly, receive the profits or any part of the profits of any other office during the term of my acting as ———.

[4] Amendment proposed by the legislature of 1912 and ratified by the electors on November 4, 1913. The second paragraph is the amendment.

SEC. 7. Every person hereafter elected or appointed to office in this State, who shall refuse or neglect to take the oath or affirmation of office provided for in the sixth section of this Article, shall be considered as having refused to accept the said office; and a new election or appointment shall be made; as in case of refusal to accept, or resignation of any office; and any person violating said oath shall, on conviction thereof, in a Court of Law, in addition to the penalties now or hereafter to be imposed by law, be thereafter incapable of holding any office of profit or trust in this State.

ARTICLE II.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power of the State will be vested in a Governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified; but the Governor chosen at the first election under this Constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected; unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of the said incumbent.

SEC. 2. An election for Governor, under this Constitution, shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the General Assembly; and every person qualified to vote for delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of Delegates, and the returns thereof under seal to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to said Speaker, at the commencement of the session of the General Assembly next ensuing said election.

SEC. 3. The Speaker of the House of Delegates shall then open the said returns in the presence of both Houses; and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify, in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

SEC. 4. If two or more persons shall have the highest and an equal number of votes for Governor, one of them shall be chosen Governor by the Senate and House of Delegates, and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of voters therein given, shall be determined by the House of Delegates; and if the persons or persons, having the highest number of votes, be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the General Assembly shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken viva voce. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the vote should again be equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

SEC. 5. A person to be eligible to the office of Governor must have attained the age of thirty years, and must have been for ten years a citizen of the State of Maryland, and for five years next preceding his election a resident of the State, and, at the time of his election, a qualified voter therein.

SEC. 6. In the case of death or resignation of the Governor, or of his removal from the State, or other disqualification, the General Assembly, if in session, or if not, at their next session, shall elect some other qualified person to be Governor for the residue of the term for which the said Governor had been elected.

SEC. 7. In case of any vacancy in the office of Governor, during the recess of the Legislature, the President of the Senate shall discharge the duties of said office, until a Governor is elected, as herein provided for; and in case of the death or resignation of the said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner, and for the same interval, devolve upon the Speaker of the House of Delegates. And the Legislature may provide by Law, for the impeachment of the Governor; and in case of his conviction, or his inability, may declare what person shall perform the Executive duties; and for any vacancy in said office not herein provided for, provision may be made by Law; and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

SEC. 8. The Governor shall be the Commander-in-Chief of the land and naval forces of the State; and may call out the Militia to repel invasions, suppress insurrections, and enforce the execution of the Laws; but shall not take the command in person, without the consent of the Legislature.

SEC. 9. He shall take care that the Laws are faithfully executed.

SEC. 10. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for; unless a different mode of appointment be prescribed by the Law creating the office.

SEC. 11. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, which ever shall first occur; and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature.

SEC. 12. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the Legislature.

SEC. 13. All civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature; and their term of office, except in cases otherwise provided for in this Constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years (unless removed from office), and until their successors, respectively, qualify according to Law; but the term of office of the Inspectors of Tobacco shall commence on the first Monday of March next ensuing their appointment.

SEC. 14. If a vacancy shall occur during the session of the Senate, in any office which the Governor and Senate have the power to fill, the Governor shall nominate to the Senate, before its final adjournment, a proper person to fill said vacancy, unless such vacancy occurs within ten days before said final adjournment.

SEC. 15. The Governor may suspend or arrest any military officer of the State for disobedience of orders or other military offense; and may remove him in pursuance of the sentence of a court-martial; and may remove for incompetency or misconduct, all civil officers who received appointment from the Executive for a term of years.

SEC. 16. The Governor shall convene the Legislature, or the Senate alone, on extraordinary occasions; and whenever from the presence of any enemy, or from any other cause, the Seat of Government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

SEC. 17. To guard against hasty or partial legislation and encroachments of the Legislative Department upon the coordinate, Executive and Judicial Departments, every Bill which shall have passed the House of Delegates, and the Senate shall, before it becomes a law, be presented to the Gov-

ernor of the State; if he approves he shall sign it, but if not he shall return it with his objections to the House in which it originated, which House shall enter the objections at large on its Journal and proceed to reconsider the Bill; if, after such reconsideration, three-fifths of the members elected to that House shall pass the Bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered, and if it pass by three-fifths of the members elected to that House it shall become a law; but in all cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the Governor within six days (Sundays excepted), after it shall have been presented to him, the same shall be a law in like manner as if he signed it, unless the General Assembly shall, by adjournment, prevent its return, in which case it shall not be a law.

The Governor shall have power to disapprove of any item or items of any Bills making appropriations of money embracing distinct items, and the part or parts of the Bill approved shall be the law, and the item or items of appropriations disapproved shall be void unless repassed according to the rules or limitations prescribed for the passage of other Bills over the Executive veto.[5]

SEC. 18. It shall be the duty of the Governor, semi-annually (and oftener, if he deems it expedient) to examine under oath the Treasurer and Comptroller of the State on all matters pertaining to their respective offices, and inspect and review their bank and other account books.

SEC. 19. He shall, from time to time, inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

SEC. 20. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases in which he is prohibited by other Articles of this Constitution; and to remit fines and forfeitures for offenses against the State; but shall not remit the principal or interest of any debt due the State, except in cases of fines and forfeitures; and before granting a nolle prosequi, or pardon, he shall give notice, in one or more newspapers, of the application made for it, and of the day on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either Branch of the Legislature, whenever required, the petitions, recommendations and reasons which influenced his decisions.

SEC. 21. The Governor shall reside at the seat of government, and receive for his services an annual salary of four thousand five hundred dollars.

SEC. 22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and receive an annual salary of two thousand dollars, and shall reside at the seat of government; and the office of Private Secretary shall thenceforth cease.

SEC. 23. The Secretary of State shall carefully keep and preserve a record of all official acts and proceedings, which may at all times be inspected by a committee of either branch of the Legislature; and he shall perform such other duties as may be prescribed by law, or as may properly belong to his office, together with all clerical duty belonging to the Executive Department.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislature shall consist of two distinct branches—a Senate and a House of Delegates—and shall be styled the General Assembly of Maryland.

SEC. 2. The City of Baltimore shall be divided into four legislative districts, as near as may be, of equal population and of contiguous territory, and each of said legislative districts of Baltimore city, as they may from

[5] Amendment proposed by the legislature of 1890 and ratified by the electors on November 3, 1891. The second paragraph is the amendment.

time to time be laid out, in accordance with the provisions hereof, and each county in the State shall be entitled to one Senator, who shall be elected by the qualified voters of the said legislative districts of Baltimore city and of the counties of the State, respectively, and shall serve for four years from the date of his election, subject to the classification of Senators hereafter provided for.[6]

SEC. 3. Until the taking and publishing of the next National Census, or until the enumeration of the population of this State, under the authority thereof, the several counties and the city of Baltimore shall have a representation in the House of Delegates, as follows: Allegany County, five Delegates; Anne Arundel County, three Delegates; Baltimore County, six Delegates; each of the four Legislative Districts of the city of Baltimore, six Delegates; Calvert County, two Delegates; Caroline County, two Delegates; Carroll County, four Delegates; Cecil County, four Delegates; Charles County, two Delegates; Dorchester County, three Delegates; Frederick County, six Delegates; Harford County, four Delegates; Howard County, two Delegates; Kent County, two Delegates; Montgomery County, three Delegates; Prince George's County, three Delegates; Queen Anne's County, two Delegates; St. Mary's County, two Delegates; Somerset County, three Delegates; Talbot County, two Delegates; Washington County, five Delegates, and Worcester County, three Delegates.[7]

SEC. 4. As soon as may be, after the taking and publishing of the National Census of 1900, or after the enumeration of the population of this State, under the authority thereof, there shall be an apportionment of representation in the House of Delegates, to be made on the following basis, to-wit: Each of the several counties of the State, having a population of eighteen thousand souls or less, shall be entitled to two Delegates; and every county having a population of over eighteen thousand and less than twenty-eight thousand souls, shall be entitled to three Delegates; and every county having a population of twenty-eight thousand and less than forty thousand souls, shall be entitled to four Delegates; and every county having a population of forty thousand and less than fifty-five thousand souls, shall be entitled to five Delegates; and every county having a population of fifty-five thousand souls and upwards, shall be entitled to six Delegates and no more; and each of the four Legislative Districts of the city of Baltimore shall be entitled to the number of Delegates to which the largest county shall or may be entitled under the aforegoing apportionment, and the General Assembly shall have the power to provide by law, from time to time, for altering and changing the boundaries of the existing Legislative Districts of the city of Baltimore, so as to make them as near as may be of equal population; but said district shall always consist of contiguous territory.[8]

SEC. 5. Immediately after the taking and publishing of the next National Census, or after any State enumeration of population, as aforesaid, it shall be the duty of the Governor, then being, to arrange the representation in said House of Delegates in accordance with the apportionment herein provided for; and to declare, by Proclamation, the number of Delegates to which each county and the city of Baltimore may be entitled under such apportionment; and after every National Census taken thereafter, or after any State enumeration of population thereafter made, it shall be the duty of the Governor, for the time being, to make similar adjustment of representation, and to declare the same by Proclamation, as aforesaid.

[6] Amendment proposed by the legislature of 1900 and ratified by the electors on November 5, 1901.

[7] Under the state census of 1910 the allotment of representatives of the several counties in the house of delegates is as follows: Allegany County, six; Anne Arundel County, four; Baltimore County, six; Calvert County, two; Caroline County, three; Carroll County, four; Cecil County, three; Charles County, two; Dorchester County, four; Frederick County, five; Garrett County, three; Harford County, three; Howard County, two; Kent County, two; Montgomery County, four; Prince George's County, four; Queen Anne's County, two; Somerset County, three; St. Mary's County, two; Talbot County, three; Washington County, five; Wicomico County, three; Worcester County, three; and Baltimore City, twenty-four delegates. Total, 102.

[8] Amendment proposed by the legislature of 1900 and ratified at the election of November 5, 1901.

SEC. 6. The members of the House of Delegates shall be elected by the qualified voters of the counties, and the Legislative Districts of Baltimore city, respectively, to serve for two years from the day of their election.

SEC. 7. The first election for Senators and Delegates shall take place on Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven; and the election for Delegates, and as nearly as practicable, for one-half of the Senators shall be held on the same day in every second year thereafter.

SEC. 8. Immediately after the Senate shall have convened, after the first election, under this Constitution, the Senators shall be divided by lot into two classes, as nearly equal in number as may be. Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-nine, for the term of four years, to supply their places; so that, after the first election, one-half of the Senators may be chosen every second year. In case the number of Senators be hereafter increased, such classification of the additional Senators shall be made as to preserve, as nearly as may be, an equal number in each class.

SEC. 9. No person shall be eligible as a Senator or Delegate who, at the time of his election, is not a citizen of the State of Maryland, and who has not resided therein for at least three years next preceding the day of his election, and the last year thereof, in the county, or in the Legislative District of Baltimore city, which he may be chosen to represent, if such county or Legislative District of said city shall have been so long established; and if not, then in the county or city from which, in whole or in part, the same may have been formed; nor shall any person be eligible as a Senator unless he shall have attained the age of twenty-five years, nor as a Delegate unless he shall have attained the age of twenty-one years, at the time of his election.

SEC. 10. No member of Congress, or person holding any civil or military office under the United States shall be eligible as a Senator or Delegate; and if any person shall, after his election as Senator or Delegate, be elected to Congress, or be appointed to any office, civil or military, under the Government of the United States, his acceptance thereof shall vacate his seat.

SEC. 11. No Minister or Preacher of the Gospel, or of any religious creed or denomination, and no person holding any civil office of profit or trust under this State, except Justices of the Peace, shall be eligible as Senator or Delegate.

SEC. 12. No collector, receiver or holder of public money shall be eligible as Senator or Delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury all sums on the books thereof charged to and due by him.

SEC. 13. In case of death, disqualification, resignation, refusal to act, expulsion, or removal from the county or city for which he shall have been elected, or any person who shall have been chosen as a Delegate or Senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates, or President of the Senate, as the case may be, for the election of another person in his place, of which election not less than ten days' notice shall be given, exclusive of the day of the publication of the notice and of the day of election; and if during the recess of the Legislature, and more than ten days before its termination, such death shall occur, or such resignation, refusal to act or disqualification be communicated in writing to the Governor by the person so resigning, refusing or disqualified, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created, in the same manner the said Speaker or President might have done during the session of the General Assembly: provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for Delegates and Senators.

SEC. 14. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and sixty-eight, and on the same day in every

second year thereafter, and at no other time, unless convened by Proclamation of the Governor.

Sec. 15. The General Assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than ninety days; and each member thereof shall receive a compensation of five dollars per diem for every day he shall attend the session, but not for such days as he may be absent, unless absent on account of sickness or by leave of the House of which he is a member; and he shall also receive such mileage as may be allowed by law, not exceeding twenty cents per mile; and the presiding officer of each House shall receive an additional compensation of three dollars per day. When the General Assembly shall be convened by Proclamation of the Governor, the session shall not continue longer than thirty days, and in such case the compensation shall be the same as herein prescribed.

Sec. 16. No book, or other printed matter, not appertaining to the business of the session, shall be purchased or subscribed for, for the use of the members of the General Assembly, or be distributed among them, at the public expense.

Sec. 17. No Senator or Delegate, after qualifying as such, notwithstanding he may thereafter resign, shall during the whole period of time for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased, during such term.

Sec. 18. No Senator or Delegate shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

Sec. 19. Each House shall be judge of the qualifications and elections of its members, as prescribed by the Constitution and laws of the State; shall appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior, and with the consent of two-thirds of its whole number of members elected, expel a member; but no member shall be expelled a second time for the same offense.

Sec. 20. A majority of the whole number of members elected to each House shall constitute a quorum for the transaction of business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

Sec. 21. The doors of each House and of the Committee of the Whole shall be open, except when the business is such as ought to be kept secret.

Sec. 22. Each House shall keep a Journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them in the House of Delegates, or one in the Senate, be entered on the Journal.

Sec. 23. Each House may punish by imprisonment during the session of the General Assembly, any person not a member, for disrespectful or disorderly behavior in its presence, or for obstructing any of its proceedings, or any of its officers in the execution of their duties; provided, such imprisonment shall not at any time exceed ten days.

Sec. 24. The House of Delegates may inquire, on the oath of witness, into the complaints, grievances and offenses, as the grand inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due process of law. They may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, and appoint auditors to state and adjust the same. They may call for all public or official papers and records, and send for persons whom they may judge necessary, in the course of their inquiries, concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State to be sued for any breach thereof; and with the view to the more certain prevention or correction of the abuses in the expenditures of the money of the State, the General Assembly shall create, at every session thereof, a joint standing committee of the Senate and House of Delegates, who shall have power to send for persons and examine them on oath and call for public or official papers and records; and whose duty it shall be to

examine and report upon all contracts made for printing, stationery, and purchases for the public offices and the library, and all expenditures therein, and upon all matters of alleged abuse in expenditures, to which their attention may be called by resolution of either House of the General Assembly.

SEC. 25. Neither House shall, without the consent of the other, adjourn for more than three days at any one time, nor adjourn to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

SEC. 26. The House of Delegates shall have the sole power of impeachment in all cases; but a majority of all the members elected must concur in the impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the Senators shall be on oath or affirmation to do justice according to the law and the evidence; but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

SEC. 27. Any bill may originate in either House of the General Assembly and be altered, amended or rejected by the other, but no bill shall originate in either House during the last ten days of the session, unless two-thirds of the members elected thereto shall so determine by yeas and nays; nor shall any bill become a law until it be read on three different days of the session in each House, unless two-thirds of the members elected to the house where such bill is pending shall so determine by yeas and nays, and no bill shall be read a third time until it shall have been actually engrossed [or printed] for a third reading.[9]

SEC. 28. No bill shall become a law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the yeas and nays be recorded; nor shall any resolution requiring the action of both Houses be passed except in the same manner.

SEC. 29. The style of all laws of this State shall be, "Be it enacted by the General Assembly of Maryland," and all laws shall be passed by original bill; and every law enacted by the General Assembly shall embrace but one subject, and that shall be described in its title; and no law, nor section of law, shall be revived or amended by reference to its title or section only; nor shall any law be construed by reason of its title to grant powers or confer rights which are not expressly contained in the body of the Act; and it shall be the duty of the General Assembly, in amending any article or section of the Code of Laws of this State, to enact the same as the said article or section would read when amended. And whenever the General Assembly shall enact any Public General Law, not amendatory of any section or article in the said Code, it shall be the duty of the General Assembly to enact the same, in articles and sections, in the same manner as the Code is arranged, and to provide for the publication of all additions and alterations which may be made to the said Code.

SEC. 30. Every bill, when passed by the General Assembly, and sealed with the Great Seal, shall be presented to the Governor, who, if he approves it, shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the Great Seal, to the several courts, in the same manner as has been heretofore usual in this State.

SEC. 31. No law passed by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it be otherwise expressly declared therein.

SEC. 32. No money shall be drawn from the Treasury of the State by any order or resolution, nor except in accordance with an appropriation by law; and every such law shall distinctly specify the sum appropriated and object to which it shall be applied; provided, that nothing herein contained shall prevent the General Assembly from placing a contingent fund at the disposal of the Executive, who shall report to the General Assembly at each

[9] Amendment proposed by the legislature of 1912 and ratified by the electors on November 4, 1913. The words "or printed" were added by the amendment.

session the amount expended, and the purposes to which it was applied. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws after each regular session of the General Assembly.

Sec. 33. The General Assembly shall not pass local or special laws in any of the following enumerated cases, viz.: For extending the time for the collection of taxes, granting divorces, changing the name of any person, providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees, giving effect to informal or invalid deeds or wills, refunding money paid into the State Treasury, or releasing persons from their debts or obligation to the State, unless recommended by the Governor or officers of the Treasury Department. And the General Assembly shall pass no special law for any case for which provision has been made by an existing general law. The General Assembly, at its first session after the adoption of this Constitution, shall pass general laws providing for the cases enumerated in this section which are not already adequately provided for, and for all other cases where a general law can be made applicable.

Sec. 34. No debt shall be hereafter contracted by the General Assembly unless such debt shall be authorized by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same; and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and interest thereon shall be fully discharged. The credit of the State shall not in any manner be given, or loaned to, or in aid of any individual association or corporation; nor shall the General Assembly have the power in any mode to involve the State in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith or credit of the State; nor make any appropriation therefor, except in aid of the construction of works of internal improvement in the counties of St. Mary's, Charles and Calvert, which have had no direct advantage from such works as have been heretofore aided by the State; and provided that such aid, advances or appropriations shall not exceed in the aggregate the sum of five hundred thousand dollars. And they shall not use or appropriate the proceeds of the internal improvement companies, or of the State tax, now levied, or which may hereafter be levied, to pay off the public debt [or] to any other purpose until the interest and debt are fully paid or the sinking fund shall be equal to the amount of the outstanding debt; but the General Assembly may, without laying a tax, borrow an amount never to exceed fifty thousand dollars to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

Sec. 35. No extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant or contractor, after the service shall have been rendered, or the contract entered into; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

Sec. 36. No lottery grant shall ever hereafter be authorized by the General Assembly.

Sec. 37. The General Assembly shall pass no law providing for payment by this State for slaves emancipated from servitude in this State; but they shall adopt such measures as they may deem expedient to obtain from the United States compensation for such slaves, and to receive and distribute the same equitably to the persons entitled.

Sec. 38. No person shall be imprisoned for debt.

Sec. 39. The General Assembly shall grant no charter for banking purposes, nor renew any banking corporation now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities upon note, bill or otherwise; the books, papers and accounts of all

banks shall be open to inspection under such regulations as may be prescribed by law.

SEC. 40. The General Assembly shall enact no law authorizing private property to be taken for public use, without just compensation as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

SEC. 40A. The General Assembly shall enact no law authorizing private property to be taken for public use without just compensation, to be agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation, but where such property is situated in Baltimore City and is desired by this State or by the Mayor and City Council of Baltimore, the General Assembly may provide for the appointment of appraisers by a Court of Record to value such property, and that, upon payment of the amount of such valuation to the party entitled to compensation, or into Court and securing the payment of any further sum that may be awarded by a jury, such property may be taken.[10]

SEC. 41. Any citizen of this State who shall, after the adoption of this Constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second, or knowingly aid or assist in any manner those offending, shall ever thereafter be incapable of holding any office of profit or trust under this State, unless relieved from the disability by an Act of the Legislature.

SEC. 42. The General Assembly shall pass laws necessary for the preservation of the purity of elections.

SEC. 43. The property of the wife shall be protected from the debts of her husband.

SEC. 44. Laws shall be passed by the General Assembly to protect from execution a reasonable amount of the property of the debtor, not exceeding in value the sum of five hundred dollars.

SEC. 45. The General Assembly shall provide a simple and uniform system of charges in the offices of Clerks of Courts and Registers of Wills, in the counties of this State and the city of Baltimore, and for the collection thereof; provided, the amount of compensation to any of the said officers in the various counties shall not exceed the sum of three thousand dollars a year, and in the city of Baltimore, thirty-five hundred dollars a year, over and above office expenses and compensation to assistants; and provided, further, that such compensation of Clerks, Registers, assistants and office expenses shall always be paid out of the fees or receipts of the offices, respectively.

SEC. 46. The General Assembly shall have power to receive from the United States any grant or donation of land, money or securities for any purpose designated by the United States, and shall administer or distribute the same according to the conditions of the said grant.

SEC. 47. The General Assembly shall make provisions for all cases of contested elections of any of the officers, not herein provided for.

SEC. 48. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes and except in cases where no general laws exist, providing for the creation of corporations of the same general character as the corporation proposed to be created, and any act of incorporation passed in violation of this section shall be void; all charters granted or adopted in pursuance of this section, and all charters heretofore granted and created subject to repeal or modification, may be altered from time to time, or be repealed; provided, nothing herein contained shall be construed to extend to banks or the incorporation thereof; the General Assembly shall not alter or amend the charter of any corporation existing at the time of the adoption of this Article, or pass any other general or special law for the benefit of such corporation except upon the condition that such corporation shall surrender all claims to exemption from taxation or from the repeal or modification of its charter, and that such corporation shall thereafter hold its charter subject to the

[10] Section 40A is a new section; it was proposed by the legislature of 1912 and ratified by the electors on November 4, 1913.

provisions of this Constitution; and any corporation chartered by this State which shall accept, use, enjoy or in any wise avail itself of any rights, privileges, or advantages that may hereafter be granted or conferred by any general or special Act, shall be conclusively presumed to have thereby surrendered any exemption from taxation to which it may be entitled under its charter, and shall be thereafter subject to taxation as if no such exemption has been granted by its charter.[11]

SEC. 49. The General Assembly shall have power to regulate by law, not inconsistent with this Constitution, all matters which relate to the Judges of Election, time, place and manner of holding elections in this State, and of making returns thereof.

SEC. 50. It shall be the duty of the General Assembly at its first session, held after the adoption of this Constitution, to provide by law for the punishment, by fine, or imprisonment in the penitentiary, or both, in the discretion of the court, of any person who shall bribe or attempt to bribe any Executive, or Judicial officer of the State of Maryland, or any member, or officer of the General Assembly of the State of Maryland, or of any municipal corporation in the State of Maryland, or any executive officer of such corporation, in order to influence him in the performance of any of his official duties; and also, to provide by law for the punishment, by fine, or imprisonment in the penitentiary, or both, in the discretion of the court, of any of said officers, or members, who shall demand or receive any bribe, fee, reward or testimonial for the performance of his official duties, or for neglecting or failing to perform the same; and also, to provide by law for compelling any person so bribing, or attempting to bribe, or so demanding or receiving a bribe, fee, reward or testimonial, to testify against any person or persons who may have committed any of said offenses; provided, that any person so compelled to testify shall be exempted from trial and punishment for the offense of which he may have been guilty; and any person convicted of such offense shall, as part of the punishment thereof, be forever disfranchised and disqualified from holding any office of trust or profit in this State.

SEC. 51. The personal property of residents of this State shall be subject to taxation in the county or city where the resident bona fide resides for the greater part of the year for which the tax may or shall be levied, and not elsewhere, except goods and chattels permanently located, which shall be taxed in the city or county where they are so located, but the General Assembly may by law provide for the taxation of mortgages upon property in this State and the debts secured thereby in the county or city where such property is situated.[12]

SEC. 52. The General Assembly shall not appropriate any money out of the Treasury except in accordance with the following provisions:

Sub-Section A:

Every appropriation bill shall be either a Budget Bill, or a Supplementary Appropriation Bill, as hereinafter mentioned.

Sub-Section B:

First. Within twenty days after the convening of the General Assembly (except in the case of a newly elected Governor, and then within thirty days after his inauguration), unless such time shall be extended by the General Assembly for the session at which the Budget is to be submitted, the Governor shall submit to the General Assembly two budgets, one for each of the ensuing fiscal years. Each budget shall contain a complete plan of proposed expenditures and estimated revenues for the particular fiscal year to which it relates; and shall show the estimated surplus or deficit of revenues at the end of such year. Accompanying each budget shall be a statement showing: (1) the revenues and expenditures for each of the two fiscal years next preceding; (2) the current assets, liabilities, reserves and surplus or deficit of

[11] Amendment proposed by the legislature of 1890 and ratified by the electors on November 3, 1891.

[12] Amendment proposed by the legislature of 1890 and ratified by the electors on November 3, 1891.

the State; (3) the debts and funds of the State; (4) an estimate of the State's financial condition as of the beginning and end of each of the fiscal years covered by the two budgets above provided; (5) any explanation the Governor may desire to make as to the important features of any budget and any suggestion as to methods for the reduction or increase of the State's revenue.

Second. Each budget shall be divided into two parts, and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations: (1) for the General Assembly as certified to the Governor in the manner hereinafter provided; (2) for the Executive Department; (3) for the Judiciary Department, as provided by law, certified to the Governor by the Comptroller; (4) to pay and discharge the principal and interest of the debt of the State of Maryland in conformity with Section 34 of Article III of the Constitution, and all laws enacted in pursuance thereof; (5) for the salaries payable by the State under the Constitution and laws of the State; (6) for the establishment and maintenance throughout the State of a thorough and efficient system of public schools in conformity with Article VIII of the Constitution and with the laws of the State; (7) for such other purposes as are set forth in the Constitution of the State.

Third. The second part shall be designated "General Appropriations," and shall include all other estimates of appropriations.

The Governor shall deliver to the presiding officer of each house the budgets and a bill for all the proposed appropriations of the budgets clearly itemized and classified; and the presiding officer of each house shall promptly cause said bill to be introduced therein, and such bill shall be known as the "Budget Bill." The Governor may, before final action thereon by the General Assembly amend or supplement either of said budgets to correct an oversight or in case of an emergency, with the consent of the General Assembly by delivering such an amendment or supplement to the presiding officers of both houses; and such an amendment or supplement shall thereby become a part of said budget bill as an addition to the items of said bill or as a modification of or a substitute for any item of said bill such amendment or supplement may affect.

The General Assembly shall not amend the budget bill so as to affect either the obligations of the State under Section 34 of Article III of the Constitution, or the provision made by the laws of the State for the establishment and maintenance of a system of public schools, or the payment of any salaries required to be paid by the State of Maryland by the Constitution thereof; and the General Assembly may amend the bill by increasing or diminishing the items therein relating to the General Assembly, and by increasing the items therein relating to the judiciary, but except as hereinbefore specified, may not alter the said bill except to strike out or reduce items therein, provided, however, that the salary or compensation of any public officer shall not be decreased during his term of office; and such bill when and as passed by both houses shall be a law immediately without further action by the Governor.

Fourth. The Governor and such representatives of the executive departments, boards, officers and commissions of the State expending or applying for State's moneys, as have been designated by the Governor for this purpose, shall have the right and when requested by either house of the Legislature, it shall be their duty to appear and be heard with respect to any budget bill during the consideration thereof, and to answer inquiries relative thereto.

Sub-Section C: Supplementary Appropriation Bills:

Neither house shall consider other appropriations until the Budget Bill has been finally acted upon by both houses, and no such other appropriation shall be valid except in accordance with the provisions following: (1) Every such appropriation shall be embodied in a separate bill limited to some single work, object or purpose therein stated and called herein a Supplementary Appropriation Bill; (2) Each Supplementary Appropriation Bill shall provide

the revenue necessary to pay the appropriation thereby made by a tax, direct or indirect, to be laid and collected as shall be directed in said Bill; (3) No Supplementary Appropriation Bill shall become a law unless it be passed in each house by a vote of a majority of the whole number of the members elected; and the yeas and nays recorded on its final passage; (4) Each Supplementary Appropriation Bill shall be presented to the Governor of the State as provided in Section 17 of Article II of the Constitution and thereafter all the provisions of said Section shall apply.

Nothing in this amendment shall be construed as preventing the Legislature from passing at any time in accordance with the provisions of Section 28 of Article III of the Constitution and subject to the Governor's power of approval as provided in Section 17 of Article II of the Constitution an appropriation bill to provide for the payment of any obligation of the State of Maryland within the protection of Section 10 of Article I of the Constitution of the United States.

Sub-Section D: General Provisions:

First. If the Budget Bill shall not have been finally acted upon by the Legislature three days before the expiration of its regular session, the Governor may, and it shall be his duty to issue a proclamation extending the session for such further period as may in his judgment be necessary for the passage of such Bill; but no other matter than such Bill shall be considered during such extended session except a provision for the cost thereof.

Second. The Governor for the purpose of making up his budgets shall have the power, and it shall be his duty, to acquire from the proper State officials, including herein all executive departments, all executive and administrative offices, bureaus, boards, commissions and agencies expending or supervising the expenditure of, and all institutions applying for State moneys and appropriations, such itemized estimates and other information, in such form and at such times as he shall direct. The estimates for the legislative department, certified by the presiding officer of each house, of the judiciary, as provided by law, certified by the Comptroller, and for the public schools, as provided by law, shall be transmitted to the Governor, in such form and at such times as he shall direct, and shall be included in the budget without revision.

The Governor may provide for public hearings on all estimates and may require the attendance at such hearings of representatives of all agencies, and of all institutions applying for State moneys. After such public hearings he may in his discretion revise all estimates except those for the legislative and judiciary departments, and for the public schools as provided by law.

Third. The Legislature may, from time to time, enact such laws, not inconsistent with this Section, as may be necessary and proper to carry out its provisions.

Fourth. In the event of any inconsistency between any of the provisions of this Section and any of the other provisions of the Constitution, the provisions of this Section shall prevail. But nothing herein shall in any manner affect the provisions of Section 34 of Article III of the Constitution or of any laws heretofore or hereafter passed in pursuance thereof, or be construed as preventing the Governor from calling extraordinary sessions of the Legislature, as provided by Section 16 of Article II, or as preventing the Legislature at such extraordinary sessions from considering any emergency appropriation or appropriations.

If any item of any appropriation bill passed under the provisions of this Section shall be held invalid upon any ground, such invalidity shall not affect the legality of the Bill or of any other item of such Bill or Bills.[13]

Sec. 53. No person shall be incompetent, as a witness, on account of race or color, unless hereafter so declared by Act of the General Assembly.

Sec. 54. No county of this State shall contract any debt, or obligation, in the construction of any railroad, canal, or other work of internal improvement, nor give, or loan its credit to or in aid of any association, or corpora-

[13] Amendment proposed by the legislature of 1916 and ratified at the election of November 7, 1916.

tion, unless authorized by an Act of the General Assembly, which shall be published for two months before the next election for members of the House of Delegates in the newspapers published in each county, and shall also be approved by a majority of all the members elected to each House of the General Assembly, at its next session after said election.

SEC. 55. The General Assembly shall pass no law suspending the privilege of the writ of habeas corpus.

SEC. 56. The General Assembly shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any department or office of the Government, and the duties imposed upon them thereby.

SEC. 57. The legal rate of interest shall be six per cent per annum, unless otherwise provided by the General Assembly.

SEC. 58. The Legislature, at its first session after the ratification of this Constitution, shall provide by law for State and municipal taxation upon the revenues accruing from business done in the State by all foreign corporations.

SEC. 59. The office of "State Pension Commissioner" is hereby abolished; and the Legislature shall pass no law creating such office, or establishing any general pension system within this State.

SEC. 60. The General Assembly of Maryland shall have the power to provide by suitable general enactment (a) for the suspension of sentence by the Court in criminal cases; (b) for any form of the indeterminate sentence in criminal cases, and (c) for the release upon parole in whatever manner the General Assembly may prescribe, of convicts imprisoned under sentence for crimes.[14]

ARTICLE IV.

JUDICIARY DEPARTMENT.

Part I—General Provisions.

SECTION 1. The judicial power of this State shall be vested in a Court of Appeals, Circuit Courts, Orphans' Courts, such Courts for the city of Baltimore as are hereinafter provided for, and Justices of the Peace; all said Courts shall be Courts of Record, and each shall have a seal to be used in the authentication of all process issuing therefrom. The process and official character of Justices of the Peace shall be authenticated as hath heretofore been practiced in this State, or may hereafter be prescribed by law.

SEC. 2. The judges of all of the said courts shall be citizens of the State of Maryland, and qualified voters under this Constitution, and shall have resided therein not less than five years, and not less than six months next preceding their election or appointment in the judicial circuit, as the case may be, for which they may be respectively elected or appointed. They shall be not less than thirty years of age at the time of their election or appointment, and shall be selected from those who have been admitted to practice law in this State, and who are most distinguished for integrity, wisdom and sound legal knowledge.

SEC. 3. The judges of the said several courts shall be elected in the counties by the qualified voters in their respective judicial circuits as hereinafter provided, at the general election to be held on the Tuesday after the first Monday in November next, and in the city of Baltimore, on the fourth Wednesday of October next. Each of the said judges shall hold his office for the term of fifteen years from the time of his election, and until his successor is elected and qualified, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after; but in case of any judge who shall attain the age of seventy years whilst in office, such judge may be continued in office by the General Assembly for such further time as they may think fit, not to exceed the term for which he was elected, by a

[14] Section 60 is a new section; it was proposed by the legislature of 1914 and ratified at the election of November 2, 1915.

resolution to be passed at the session next preceding his attaining said age. In case of the inability of any of said judges to discharge his duties with efficiency, by reason of continued sickness, or of physical or mental infirmity, it shall be in the power of the General Assembly, two-thirds of the members of each House concurring, with the approval of the Governor, to retire said judge from office.

SEC. 4. Any judge shall be removed from office by the Governor, on conviction in a court of law, of incompetency, of wilful neglect of duty, misbehavior in office or any other crime, or on impeachment, according to this Constitution, or the laws of the State; or on the address of the General Assembly, two-thirds of each House concurring in such address, and the accused having been notified of the charges against him, and having had opportunity of making his defence.

SEC. 5. After the election for judges, as hereinbefore provided, there shall be held in this State, in every fifteenth year thereafter, on the Tuesday after the first Monday in November of such year, an election for judges as herein provided; and in case of death, resignation, removal or disqualification by reason of age or otherwise of any judge, the Governor shall appoint a person duly qualified to fill said office, who shall hold the same until the next general election for members of the General Assembly, when a successor shall be elected, whose term of office shall be the same as hereinbefore provided, and upon the expiration of the term of fifteen years for which any judge may be elected to fill a vacancy, an election for his successor shall take place at the next general election for members of the General Assembly to occur upon or after the expiration of his said term; and the Governor shall appoint a person duly qualified to hold said office from the expiration of such term of fifteen years until the election and qualification of his successor.[15]

SEC. 6. All judges shall, by virtue of their offices be conservators of the peace throughout the State; and no fees, or perquisites, commission or reward of any kind, shall be allowed to any judge in this State, besides his annual salary, for the discharge of any judicial duty.

SEC. 7. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as now are or may hereafter be prescribed by law, or where he shall have been of counsel in the case.

SEC. 8. The parties to any cause may submit the same to the court for determination without the aid of a jury and in all suits or actions at law, issues from the Orphans' Court or from any court sitting in equity, and in all cases of presentments or indictments for offences which are or may be punishable by death pending in any of the courts of law of this State having jurisdiction thereof, upon suggestion in writing under oath of either of the parties to said proceedings, that such party can not have a fair and impartial trial in the court in which the same may be pending, the said court shall order and direct the record of proceedings in such suit or action, issue, presentment or indictment, to be transmitted to some other court having jurisdiction in such case, for trial; but in all other cases of presentment or indictment pending in any of the courts of law in this State having jurisdiction thereof, in addition to the suggestion in writing of either of the parties to such presentment or indictment that such party can not have a fair and impartial trial in the court in which the same may be pending, it shall be necessary for the party making such suggestion to make it satisfactorily appear to the court that such suggestion is true, or that there is reasonable ground for the same; and thereupon the said court shall order and direct the record of proceedings in such presentment or indictment to be transmitted to some other court having jurisdiction in such cases for trial; and such right of removal shall exist upon suggestion in cases when all the judges of said court may be disqualified, under the provisions of this Constitution to sit in any case; and said court to which the record of proceedings in such suit or action, issue, presentment

[15] Amendment proposed by the legislature of 1880 and ratified by the electors on November 8, 1881.

or indictment may be so transmitted, shall hear and determine the same in like manner as if such suit or action, issue, presentment or indictment had been originally instituted therein; and the General Assembly shall make such modification of existing law as may be necessary to regulate and give force to this provision.[16]

SEC. 9. The judge or judges of any court may appoint such officers for their respective courts as may be found necessary; and such officers of the Courts in the city of Baltimore shall be appointed by the judges of the Supreme Bench of Baltimore city. It shall be the duty of the General Assembly to prescribe by law a fixed compensation for all such officers, and said judge or judges shall from time to time investigate the expenses, costs and charges of their respective courts, with a view to a change or reduction thereof, and report the result of such investigation to the General Assembly for its action.

SEC. 10. The clerks of the several courts created or continued by this Constitution shall have charge and custody of the records and other papers; shall perform all the duties, and be allowed the fees which appertain to their several offices, as the same now are or may hereafter be regulated by law. And the office and business of said clerks, in all their departments, shall be subject to the visitorial power of the judges of their respective courts, who shall exercise the same, from time to time, so as to insure the faithful performance of the duties of said offices; and it shall be the duty of the judges of said courts, respectively, to make from time to time such rules and regulations as may be necessary and proper for the government of said clerks, and for the performance of the duties of their offices, which shall have the force of law until repealed or modified by the General Assembly.

SEC. 11. The election for judges hereinbefore provided, and all elections for Clerks, Registers of Wills and other officers provided in this Constitution, except State's Attorneys, shall be certified, and the returns made by the Clerks of the Circuit Courts of the counties, and the Clerk of the Superior Court of Baltimore city, respectively, to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected; and in all such elections the person having the greatest number of votes shall be declared elected.

SEC. 12. If in any case of election for Judges, Clerks of the Courts of Law, and Register of Wills, the opposing candidate shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election the Governor shall send the returns to the House of Delegates, which shall judge of the election and qualification of the candidates at such election, and if the judgment shall be against the one who has been returned elected, or the one who has been commissioned by the Governor, the House of Delegates shall order a new election within thirty days.

SEC. 13. All public commissions and grants shall run thus: "The State of Maryland, etc.," and shall be signed by the Governor, with the Seal of the State annexed; all writs and process shall run in the same style, and be tested, sealed and signed as heretofore, or as may hereafter be provided by law; and all indictments shall conclude, "against the peace, government and dignity of the State."

Part II—Court of Appeals.

SEC. 14. The Court of Appeals shall be composed of the Chief Judges of the first seven of the several judicial circuits of the State and a judge from the city of Baltimore specially elected thereto, one of whom shall be designated by the Governor, by and with the advice and consent of the Senate, as the Chief Judge; and in all cases until action by the Senate can be had, the judge so designated by the Governor shall act as Chief Judge. The Judge of the Court of Appeals from the city of Baltimore shall be elected by the qualified voters of said city at the election of judges to be held therein, as hereinbefore provided; and in addition to his duties as Judge of the Court of

[16] Amendment proposed by the legislature of 1874 and ratified at the election of November 2, 1875.

Appeals, shall perform such other duties as the General Assembly shall prescribe. The jurisdiction of said Court of Appeals shall be co-extensive with the limits of the State, and such as now is or may hereafter be prescribed by law. It shall hold its sessions in the city of Annapolis, on the first Monday in April, and the first Monday in October; [on the second Monday in January, the first Monday in April and the first Monday in October][17] of each and every year, or at such other times as the General Assembly may by law direct. Its sessions shall continue not less than ten months in the year, if the business before it shall so require; and it shall be competent for the judges temporarily to transfer their sittings elsewhere upon sufficient cause.

SEC. 15. Four of said judges shall constitute a quorum; no cause shall be decided without the concurrence of at least three; but the judge who heard the cause below shall not participate in the decision; in every case an opinion, in writing, shall be filed within three months after the argument or submission of the cause; and the judgment of the court shall be final and conclusive; and all cases shall stand for hearing at the first term after the transmission of the record.

SEC. 16. Provision shall be made by law for publishing reports of all causes argued and determined in the Court of Appeals, which the judges shall designate as proper for publication.

SEC. 17. There shall be a Clerk of the Court of Appeals, who shall be elected by the legal and qualified voters of the State, who shall hold his office for six years, and until his successor is duly qualified; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, or such other cause or causes as may be prescribed by law; and in case of a vacancy in the office of said clerk, the Court of Appeals shall appoint a clerk of said court, who shall hold his office until the election and qualification of his successor, who shall be elected at the next general election for members of the General Assembly; and the person so elected shall hold his office for the term of six years from the time of election.

SEC. 18. It shall be the duty of the Judges of the Court of Appeals, as soon after their election under this Constitution as practicable, to make and publish rules and regulations for the prosecution of appeals to said appellate court whereby they shall prescribe the periods within which appeals may be taken, what part or parts of the proceedings in the court below shall constitute the record on appeal and the manner in which such appeals shall be brought to hearing or determination, and shall regulate, generally, the practice of said Court of Appeals so as to prevent delays and promote brevity in all records and proceedings brought into said court, and to abolish and avoid all unnecessary costs and expenses in the prosecution of appeals therein; and the said judge shall make such reductions in the fees and expenses of the said court, as they may deem advisable. It shall also be the duty of said Judges of the Court of Appeals, as soon after their election as practicable, to devise and promulgate by rules or orders, forms and modes of framing and filing bills, answers and other proceedings and pleadings in equity; and also forms and modes of taking and obtaining evidence, to be used in equity cases; and to revise and regulate, generally, the practice in the Courts of Equity of this State, so as to prevent delays, and to promote brevity and conciseness in all pleadings and proceedings therein, and to abolish all unnecessary costs and expenses attending the same. And all rules and regulations hereby directed to be made shall, when made, have the force of law until rescinded, changed or modified by the said judges, or the General Assembly.

Part III—Circuit Courts.

SEC. 19. The State shall be divided into eight judicial circuits, in manner following, viz: The counties of Worcester, Somerset, Dorchester and Wicomico,[18] shall constitute the First Circuit; the counties of Caroline, Talbot, Queen

[17] Terms thus arranged by act of 1886, Chapt. 185.

[18] Wicomico and Garrett counties were formed since the adoption of this constitution.

Anne's, Kent and Cecil, the Second; the counties of Baltimore and Harford, the Third; the counties of Allegany, Washington and Garret,[18] the Fourth; the counties of Carroll, Howard and Anne Arundel, the Fifth; the counties of Montgomery and Frederick, the Sixth; the counties of Prince George's, Charles, Calvert and St. Mary's, the Seventh, and Baltimore city, the Eighth.

SEC. 20. A court shall be held in each county of the State, to be styled the Circuit Court for the county in which it may be held. The said Circuit Courts shall have and exercise, in the respective counties, all the power, authority and jurisdiction, original and appellate, which the present Circuit Courts of this State now have and exercise, or which may hereafter be prescribed by law.

SEC. 21. For each of the said circuits (excepting the eighth and third) there shall be a chief judge and two associate judges, to be styled Judges of the Circuit Court to be elected or appointed as herein provided, and for the third circuit there shall be a Chief Judge and three associate judges to be styled Judges of the Circuit Court to be elected or appointed as herein provided.

And no two of said associate judges for any of the said circuits, except the third circuit shall, at the time of their election or appointment or during the term for which they may have been elected or appointed, reside in the same county. If two or more persons shall be candidates for associate judge in the same county in any of the circuits, except the third circuit, that one only in said county shall be declared elected who has the highest number of votes in the circuit. In case any two candidates for associate judge in any of the circuits, except the third circuit, residing in the same county, shall have an equal number of votes greater than any other candidate for associate judge in the circuit, it shall be the duty of the Governor to order a new election for one associate judge; but the person residing in any other county of the circuit and who has the next highest number of votes shall be declared elected. The said judges shall hold not less than two terms of the Circuit Court in each of the counties composing their respective circuits, at such times as are now or may hereafter be prescribed to which jurors shall be summoned; and in those counties where only two such terms are held, two other and intermediate terms, to which jurors shall not be summoned; they may alter or fix the times for holding any or all terms, until otherwise prescribed, and shall adopt rules to the end that all business not requiring the inter-position of the jury shall be, as far as practicable, disposed of at said intermediate terms.

One judge in each of the above circuits, including the third circuit, shall constitute a quorum for the transaction of any business; and the said judges, or any of them, may hold special terms of their Courts, whenever in their discretion, the business of the several counties renders such terms necessary.

The additional associate judge for the third circuit herein provided for, shall be elected by the qualified voters of Baltimore and Harford Counties, at the first election that shall be held in said counties subsequent to the adoption of this amendment, and the judge so elected shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation and have the same powers as are herein provided for the other associate judges in the third circuit.[19]

SEC. 22. Where any term is held, or trial conducted by less than the whole number of said Circuit Judges, upon the decision or determination of any point or question by the court, it shall be competent to the party against whom the ruling or decision is made, upon motion, to have the point or question reserved for the consideration of the three judges of the Circuit, who shall constitute a court in banc for such purpose; and the motion for such reservation shall be entered of record during the sitting at which such decision may be made; and the several Circuit Courts shall regulate, by rules, the mode and manner of presenting such points or questions to the court in banc, and the decision of the said court in banc shall be the effective decision in

[19] Amendment proposed by the legislature of 1912 and ratified at the election of November 4, 1913.

the premises, and conclusive, as against the party at whose motion said points or questions were reserved; but such decision in banc shall not preclude the right of appeal or writ of error to the adverse party in those cases, civil or criminal, in which appeal or writ of error to the Court of Appeals may be allowed by law. The right of having questions reserved shall not, however, apply to trials of appeals from judgments of Justices of Peace, nor to criminal cases below the grade of felony, except when the punishment is confinement in the penitentiary; and this section shall be subject to such provisions as may hereafter be made by law.

SEC. 23. The judges of the respective Circuit Courts of this State and of the courts of Baltimore city, shall render their decisions in all cases argued before them, or submitted for their judgment, within two months after the same shall have been so argued or submitted.

SEC. 24. The salary of each Chief Judge and of the Judge of the Court of Appeals from the city of Baltimore shall be three thousand five hundred dollars, and of each Associate Judge of the Circuit Court shall be two thousand eight hundred dollars per annum, payable quarterly, and shall not be diminished during his continuance in office.[20]

SEC. 25. There shall be a Clerk of the Circuit Court for each county, who shall be elected by a plurality of the qualified voters of said county, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible, subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a court of law. In case of a vacancy in the office of Clerk of a Circuit Court, the Judges of said court shall have power to fill such vacancy until the general election for Delegates to the General Assembly, to be held next thereafter, when a successor shall be elected for the term of six years.

SEC. 26. The said clerks shall appoint, subject to the confirmation of the judges of their respective courts, as many deputies under them as the said judges shall deem necessary to perform, together with themselves, the duties of the said office, who shall be removable by the said judges for incompetency, or neglect of duty, and whose compensation shall be according to existing or future provisions of the General Assembly.

Part IV—Courts of Baltimore City.

SEC. 27. There shall be in the Eighth Judicial Circuit six courts, to be styled the Supreme Bench of Baltimore city, the Superior Court of Baltimore City, the Court of Common Pleas, the Baltimore City Court, the Circuit Court of Baltimore City,[21] and the Criminal Court[22] of Baltimore.

SEC. 28. The Superior Court of Baltimore City, the Court of Common Pleas and the Baltimore City Court[23] shall each have concurrent jurisdiction in all civil common law cases, and concurrently all the jurisdiction which the Superior Court of Baltimore city and the Court of Common Pleas now have, except jurisdiction in equity, and except in applications for the benefit of the insolvent laws of Maryland, and in cases of appeal from judgments of Justices of the Peace in said city, whether civil or criminal, or arising under the ordinances of the Mayor and City Council of Baltimore, of all of which appeal cases the Baltimore City Court shall have exclusive jurisdiction; and the said Court of Common Pleas shall have exclusive jurisdiction in all applications for the benefit of the insolvent laws of Maryland, and the supervision and control of the trustees thereof.

SEC. 29. The Circuit Court of Baltimore City shall have exclusive jurisdiction in equity within the limits of said city, and all such jurisdiction as the present Circuit Court of Baltimore city has; provided, the said court shall

[20] By the Act of 1892, Chapt. 388, the salary of the chief judges was increased to $4,500 and of the associate judges to $3,600 per annum.

[21] Circuit Court No. 2 established by Act of 1888, Chapt. 194.

[22] Criminal Court No. 2 established by rule of the Supreme Court, December 21, 1897. (See 87 Md., 191.)

[23] The jurisdiction of the Baltimore City Court, the Superior Court and the Court of Common Pleas was enlarged by the Act of 1870, Chapt. 177.

not have jurisdiction in applications for the writ of habeas corpus in cases of persons charged with criminal offenses.

SEC. 30. The Criminal Court of Baltimore shall have and exercise all the jurisdiction now held and exercised by the Criminal Court of Baltimore, except in such appeal cases as are herein assigned to the Baltimore City Court.

SEC. 31. There shall be elected by the legal and qualified voters of said city, at the election, hereinbefore provided for, one Chief Judge and four Associate Judges, who, together, shall constitute the Supreme Bench of Baltimore City, and shall hold their offices for the term of fifteen years, subject to the provisions of this Constitution with regard to the election and qualifications of judges and their removal from office, and shall exercise the jurisdiction, hereinafter specified, and shall each receive an annual salary of three thousand five hundred dollars,[24] payable quarterly, which shall not be diminished during their term of office; but authority is hereby given to the Mayor and City Council of Baltimore to pay to each of the said judges an annual addition of five hundred dollars to their respective salaries; provided, that the same being once granted shall not be diminished nor increased during the continuance of said judges in office.

SEC. 32. It shall be the duty of the said Supreme Bench of Baltimore City, as soon as the judges thereof shall be elected and duly qualified, and from time to time, to provide for the holding of each of the aforesaid courts, by the assignment of one or more of their number to each of the said courts, who may sit either separately or together in the trial of cases; and the said Supreme Bench of Baltimore City may, from time to time, change the said assignment, as circumstances may require, and the public interest may demand; and the judge or judges, so assigned to the said several courts, shall, when holding the same, have all the powers and exercise all the jurisdiction which may belong to the court so being held; and it shall also be the duty of the said Supreme Bench of Baltimore city, in case of the sickness, absence or disability of any judge or judges assigned as aforesaid, to provide for the hearing of the cases, or transaction of the business assigned to said judge or judges, as aforesaid, before some one or more of the judges of said court.

SEC. 33. The said Supreme Bench of Baltimore City shall have power, and it shall be its duty, to provide for the holding of as many general terms as the performance of its duties may require, such general terms to be held by not less than three judges; to make all needful rules and regulations for the conduct of business in each of the said courts, during the session thereof, and in vacation, or in chambers, before any of the said judges; and shall also have jurisdiction to hear and determine all motions for a new trial in cases tried in any of said courts, where such motions arise either, on questions of fact, or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law determined by the said judge, or judges, while holding said several courts; and the said Supreme Bench of Baltimore City shall make all needful rules and regulations for the hearing before it of all said matters; and the same right of appeal to the Court of Appeals shall be allowed from the determination of the said court on such matters, as would have been the right of the parties if said matters had been decided by the court in which said cases were tried.

[The judge, before whom any case may hereafter be tried, in either the Baltimore City Court, the Superior Court of Baltimore City, or the Court of Common Pleas, shall have exclusive jurisdiction to hear and determine, and the said judge shall hear and determine all motions for a new trial where such motions arise, either on questions of fact or for misdirection upon any matters of law, and all motions in arrest of judgment, or upon any matters of law, determined by the said judge, and all such motions shall be heard and determined within thirty days after they are made.][25]

SEC. 34. No appeal shall lie to the Supreme Bench of Baltimore City from

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[24] Increased by Act of 1892, Chapt. 388, to $4,500.

[25] Amendment proposed by the legislature of 1870, Chapt. 177, as provided by Section 39 of Article IV of the constitution. The part enclosed in brackets is the amendment.

the decision of the judge or the judges holding the Baltimore City Court in case of appeal from a Justice of the Peace: but the decision by said judge or judges shall be final: and all writs and other process issued out of either of said courts, requiring attestation, shall be attested in the name of the Chief Judge of the said Supreme Bench of Baltimore City.

SEC. 35. Three of the judges of said Supreme Bench of Baltimore City shall constitute a quorum of said court.

SEC. 36. All causes depending, at the adoption of this Constitution, in the Superior Court of Baltimore City, the Court of Common Pleas, the Criminal Court of Baltimore, and the Circuit Court of Baltimore City, shall be proceeded in, and prosecuted to final judgment or decree, in the courts respectively of the same name established by this Constitution, except cases belonging to that class, jurisdiction over which is by this Constitution transferred to the Baltimore City Court, all of which shall, together with all cases now pending in the City Court of Baltimore, be proceeded in and prosecuted to final judgment in said Baltimore City Court.

SEC. 37. There shall be a clerk of each of the said courts of Baltimore city, except the Supreme Bench, who shall be elected by the legal and qualified voters of said city, at the election to be held in said city on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven, and shall hold his office for six years from the time of his election, and until his successor is elected and qualified, and be re-eligible thereto, subject to be removed for willful neglect of duty or other misdemeanor in office, on conviction in a court of law. The salary of each of the said clerks shall be thirty-five hundred dollars a year, payable only out of the fees and receipts collected by the clerks of said city, and they shall be entitled to no other perquisites or compensation. In case of a vacancy in the office of clerk of any of said courts, the judges of said Supreme Bench of Baltimore City shall have power to fill such vacancy until the general election of Delegates to the General Assembly to be held next thereafter, when a clerk of said court shall be elected to serve for six years thereafter; and the provisions of this Article in relation to the appointment of deputies by the clerks of the Circuit Courts in the counties shall apply to the clerks of the courts in Baltimore city.

SEC. 38. The clerk of the Court of Common Pleas shall have authority to issue within said city all marriage and other licenses required by law, subject to such provisions as are now or may be prescribed by law. The Clerk of the Superior Court of said city shall receive and record all deeds, conveyances and other papers which are or may be required by law to be recorded in said city. He shall also have custody of all papers connected with the proceedings on the law or equity side of Baltimore County Court and the dockets thereof, so far as the same have relation to the city of Baltimore, and shall also discharge the duties of Clerk to the Supreme Bench of Baltimore city unless otherwise provided by law.

SEC. 39. The General Assembly shall, as often as it may think the same proper and expedient, provide by law for the election of an additional judge of the Supreme Bench of Baltimore city, and whenever provision is so made by the General Assembly, there shall be elected by the voters of said city another judge of the Supreme Bench of Baltimore city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, receive the same compensation, and have the same powers as are, or shall be, provided by the Constitution or laws of this State, for the judges of said Supreme Bench of Baltimore city, and the General Assembly may provide by laws, or the Supreme Bench by its rules for requiring causes in any of the courts of Baltimore city to be tried before the court without a jury, unless the litigants or some one of them shall within such reasonable time or times as may be prescribed, elect to have their causes tried before a jury. And the General Assembly may re-apportion, change or enlarge the jurisdiction of the several courts in said city.[26]

[26] Amendment proposed by the legislature of 1892 and ratified at the election of November 7, 1893.

Part V—Orphans' Court.

SEC. 40. The qualified voters of the city of Baltimore and of the several counties shall on the Tuesday next after the first Monday in November next, and on the same day in every fourth year thereafter, elect three men to be Judges of the Orphans' Courts of said city and counties, respectively, who shall be citizens of the State and residents for the twelve months preceding, in the city or county, for which they may be elected. They shall have all the powers now vested in the Orphans' Courts of the State, subject to such changes as the Legislature may prescribe. Each of said judges shall be paid a per diem for the time they are actually in session, to be regulated by law, and to be paid by the said city or counties, respectively. In case of a vacancy in the office of Judge of the Orphans' Court, the Governor shall appoint, subject to confirmation or rejection by the Senate, some suitable person to fill the same for the residue of the term.

SEC. 41. There shall be a Register of Wills in each county of the State and the city of Baltimore, to be elected by the legal and qualified voters of said counties and city, respectively, who shall hold his office for six years from the time of his election, and until his successor is elected and qualified; he shall be re-eligible, and subject at all times to removal for willful neglect of duty or misdemeanor in office in the same manner that the clerks of the courts are removable. In the event of any vacancy in the office of the Register of Wills, said vacancy shall be filled by the Judges of the Orphans' Court, in which such vacancy occurs, until the next general election for Delegates to the General Assembly, when a Register shall be elected to serve for six years thereafter.

Part VI—Justices of the Peace.

SEC. 42. The Governor, by and with the advice and consent of the Senate, shall appoint such number of Justices of the Peace and the County Commissioners of the several counties, and the Mayor and City Council of Baltimore, respectively, shall appoint such number of Constables, for the several election districts of the counties and wards of the city of Baltimore, as are now or may hereafter be prescribed by law; and Justices of the Peace and Constables so appointed shall be subject to removal by the judge or judges having criminal jurisdiction in the county or city, for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a court of law. The Justices of the Peace and Constables so appointed and commissioned shall be conservators of the peace; shall hold their office for two years, and shall have such jurisdiction, duties and compensation, subject to such right of appeal in all cases from the judgment of Justices of the Peace, as hath been heretofore exercised, or shall be hereafter prescribed by law.

SEC. 43. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace for the residue of the term; and in case of a vacancy in the office of Constable, the County Commissioners of the county in which the vacancy occurs, or the Mayor and City Council of Baltimore, as the case may be, shall appoint a person to serve as Constable for the residue of the term.

Part VII—Sheriffs.

SEC. 44. There shall be elected in each county in every second year, one person, resident in said county above the age of twenty-five years, and at least five years preceding his election, a citizen of the State, to the office of Sheriff. He shall hold office for two years, and until his successor is duly elected and qualified; shall be ineligible for two years thereafter; shall give such bond, exercise such powers and perform such duties as now are or may hereafter be fixed by law. In case of a vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification, or removal from the county, the Governor shall appoint a person to be Sheriff for the remainder of the official term.

In the City of Baltimore at the General Election to be held in the year 1915 and every four years thereafter, there shall be elected in said City of

Baltimore, one person who shall be a resident of said city, above the age of twenty-five years, and who shall have been at least five years preceding his election a citizen of this State, to the office of Sheriff.

He shall hold his office for four years, and until his successor is duly elected and qualified; shall be eligible for re-election; shall give such bond, exercise such powers and perform such duties as now are or may hereafter be fixed by law. The Sheriff elected in and for the City of Baltimore in November, 1913, shall be eligible for re-election.

In case of vacancy by death, resignation, refusal to serve, or neglect to qualify, or give bond, or by disqualification or removal from said city, the Governor shall appoint a person to be Sheriff for the remainder of the official term. The Sheriff hereafter elected and the Sheriff elected in and for the City of Baltimore on the 7th day of November, 1913, shall from the date of his qualification receive such salary as may be fixed by law, not to exceed six thousand dollars per year in any case, and such expenses necessary to the conduct of his office, as may be fixed by law, such salaries and expenses to be paid in such manner and at such times as may be prescribed by law.[27]

SEC. 45. Coroners, Elisors and Notaries Public may be appointed for each county and the city of Baltimore in the manner, for the purpose and with the powers now fixed, or which may hereafter be prescribed by law.

ARTICLE V.

ATTORNEY-GENERAL AND STATE'S ATTORNEY.

Attorney-General.

SECTION 1. There shall be an Attorney-General elected by the qualified voters of the State, on general ticket, on the Tuesday next after the first Monday in the month of November, eighteen hundred and sixty-seven, and on the same day in each fourth year thereafter, who shall hold his office for four years from the time of his election and qualification, and until his successor is elected and qualified, and shall be re-eligible thereto, and shall be subject to removal for incompetency, willful neglect of duty or misdemeanor in office, on conviction in a court of law.

SEC. 2. All elections for Attorney-General shall be certified to, and returns made thereof by the Clerks of the Circuit Courts for the several counties, and the Clerk of the Superior Court of Baltimore City, to the Governor of the State, whose duty it shall be to decide on the election and qualification of the person returned; and in case of a tie between two or more persons to designate which of said persons shall qualify as Attorney-General, and to administer the oath of office to the person elected.

SEC. 3. It shall be the duty of the Attorney-General to prosecute and defend on the part of the State all cases which at the time of his appointment and qualification and which thereafter may be depending in the Court of Appeals, or in the Supreme Court of the United States, by or against the State, or wherein the State may be interested; and he shall give his opinion in writing whenever required by the General Assembly or either branch thereof, the Governor, the Comptroller of the Treasury, or any State's Attorney, on any legal matter or subject depending before them or either of them; and when required by the Governor or General Assembly he shall aid any State's Attorney in prosecuting any suit or action brought by the State in any Court of the State, and he shall commence and prosecute or defend any suit or action in any of said courts, on the part of the State, which the General Assembly or the Governor, acting according to law, shall direct to be commenced, prosecuted or defended, and he shall have and perform such other duties and shall appoint such number of deputies or assistants as the General Assembly may from time to time by law prescribe; and he shall receive for his services an annual salary of three thousand dollars, or such annual salary as the General Assembly may from time to time by law prescribe; but he shall not be entitled

[27] Amendment proposed by the legislature of 1914 and ratified at the election of November 3, 1914.

to receive any fees, perquisites or rewards whatever in addition to the salary aforesaid for the performance of any official duty; nor shall the Governor employ any additional counsel in any case whatever, unless authorized by the General Assembly.[28]

SEC. 4. No person shall be eligible to the office of Attorney-General, who is not a citizen of this State, and a qualified voter therein, and has not resided and practiced law in this State for at least ten years.

SEC. 5. In case of vacancy in the office of Attorney-General, occasioned by death, resignation, removal from the State or from office, or other disqualification, the said vacancy shall be filled by the Governor for the residue of the term thus made vacant.

SEC. 6. It shall be the duty of the Clerk of the Court of Appeals and of the Commissioner of the Land Office, respectively, whenever a case shall be brought into said court or office, in which the State is a party or has interest, immediately to notify the Attorney-General thereof.

The State's Attorney.

SEC. 7. There shall be an Attorney for the State in each county and the city of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the Tuesday next after the first Monday in November, in the year eighteen hundred and sixty-seven, and on the same day every fourth year thereafter; and shall hold his office for four years from the first Monday in January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, willful neglect of duty, or misdemeanor in office, on conviction in a court of law, or by a vote of two-thirds of the Senate, on the recommendation of the Attorney-General.

SEC. 8. All elections for the State's Attorney shall be certified to and returns made thereof by the clerks of the said counties and city to the judge thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned; and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oath of office to the person elected.

SEC. 9. The State's Attorney shall perform such duties and receive such fees and commissions or salary, not exceeding three thousand dollars, as are now or may hereafter be prescribed by law; and if any State's Attorney shall receive any other fee or reward than such as is or may be allowed by law, he shall, on conviction thereof, be removed from office; provided, that the State's Attorney for Baltimore City shall receive an annual salary of fifty-four hundred dollars and shall have power to appoint one deputy at an annual salary not exceeding four thousand dollars, and such other assistants at such annual salaries, not exceeding twenty-five hundred dollars each, as the Supreme Bench of Baltimore City may authorize and approve; all of said salaries to be paid out of the fees of the said State's Attorney's office, as has heretofore been practiced.[29]

SEC. 10. No person shall be eligible to the office of State's Attorney who has not been admitted to practice law in this State, and who has not resided for at least two years in the county or city in which he may be elected.

SEC. 11. In case of vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein specified, the said vacancy shall be filled by the judge of the county or city, respectively, having criminal jurisdiction, in which said vacancy shall occur, for the residue of the term thus made vacant.

SEC. 12. The State's Attorney in each county and the city of Baltimore

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[28] Amendment proposed by the legislature of 1912 and ratified at the election of November 4, 1913.

[29] Section 9 has been amended twice; the first amendment was proposed by the legislature of 1900 and ratified at the election of November 5, 1901; the present amendment was proposed by the legislature of 1912 and ratified at the election of November 4, 1913.

shall have authority to collect, and give receipt, in the name of the State, for such sums of money as may be collected by him, and forthwith make return of and pay over the same to the proper accounting officer. And the State's Attorney of each county and the city of Baltimore, before he shall enter on the discharge of his duties, shall execute a bond to the State of Maryland, for the faithful performance of his duties, in the penalty of ten thousand dollars, with two or more sureties, to be approved by the judge of the court having criminal jurisdiction in said counties or city.

ARTICLE VI.

TREASURY DEPARTMENT.

SECTION 1. There shall be a Treasury Department, consisting of a Comptroller, chosen by the qualified electors of the State, at each regular election of members of the House of Delegates, who shall receive an annual salary of two thousand five hundred dollars; and a Treasurer, to be appointed by the two Houses of the Legislature, at each regular session thereof, on joint ballot, who shall receive an annual salary of two thousand five hundred dollars; and the terms of office of the said Comptroller and Treasurer shall be for two years, and until their successors shall qualify; and neither of the said officers shall be allowed, or receive any fees, commissions or perquisites of any kind in addition to his salary for the performance of any duty or services whatsoever. In case of a vacancy in either of the offices by death, or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election, or a choice by the Legislature, as the case may be, and until the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of Government, and shall take such oath, and enter into such bonds for the faithful discharge of their duties as are now, or may hereafter be prescribed by law.

SEC. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditures of the State; superintend and enforce the prompt collection of all taxes and revenue; adjust and settle, on terms prescribed by law, with delinquent collectors and receivers of taxes and State revenue; preserve all public accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by law, all warrants for money to be paid out of the Treasury, in pursuance of appropriations by law, and countersign all checks drawn by the Treasurer upon any bank or banks, in which the moneys of the State may, from time to time, be deposited; prescribe the formalities of the transfer of stock, or other evidence of the State debt, and countersign the same, without which such evidence shall not be valid; he shall make to the General Assembly full reports of all his proceedings, and of the state of the Treasury Department within ten days after the commencement of each session; and perform such other duties as shall be prescribed by law.

SEC. 3. The Treasurer shall receive the moneys of the State, and, until otherwise prescribed by law, deposit them, as soon as received, to the credit of the State, in such bank or banks as he may, from time to time, with the approval of the Governor, select, the said bank or banks giving security, satisfactory to the Governor, for the safekeeping and forthcoming, when required, of said deposits, and shall disburse the same for the purposes of the State, according to law, upon warrants drawn by the Comptroller, and on checks countersigned by him, and not otherwise; he shall take receipts for all moneys paid by him; and receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller, without which warrants, so signed, no acknowledgment of money received into the Treasury shall be valid; and upon warrants, issued by the Comptroller, he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on ac-

count of the sinking fund. Every bond, certificate, or other evidence of the debt of the State shall be signed by the Treasurer, and countersigned by the Comptroller; and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provisions for the loss of certificates, or other evidences of the debt; and may prescribe, by law, the manner in which the Treasurer shall receive and keep the moneys of the State.

SEC. 4. The Treasurer shall render his accounts quarterly to the Comptroller, and shall publish monthly, in such newspapers as the Governor may direct, an abstract thereof, showing the amount of cash on hand, and the place or places of deposit thereof; and on the third day of each regular session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him, from time to time, rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the money in his hands, and perform all other duties that shall be prescribed by law.

SEC. 5. The Comptroller shall qualify and enter on the duties of his office on the third Monday of January next succeeding the time of his election, or as soon thereafter as practicable. And the Treasurer shall qualify within one month after his appointment by the Legislature.

SEC. 6. Whenever during the recess of the Legislature charges shall be preferred to the Governor against the Comptroller or Treasurer for incompetency, malfeasance in office, willful neglect of duty, or misappropriation of the funds of the State, it shall be the duty of the Governor forthwith to notify the party so charged, and fix a day for a hearing of said charges; and if from the evidence taken, under oath on said hearing before the Governor, the said allegations shall be sustained, it shall be the duty of the Governor to remove said offending officer and appoint another in his place, who shall hold the office for the unexpired term of the officer so removed.

ARTICLE VII.

SUNDRY OFFICERS.

County Commissioners—Surveyor—State Librarian—Commissioner of the Land Office—Wreck Master.

SECTION 1. County Commissioners shall be elected on general ticket of each county by the qualified voters of the several counties of the State, on the Tuesday next after the first Monday in the month of November, commencing in the year eighteen hundred and ninety-one; their number in each county, their compensation, powers and duties shall be such as now or may be hereafter prescribed by law; they shall be elected at such times, in such numbers and for such periods not exceeding six years, as may be prescribed by law.[30]

SEC. 2. The qualified voters of each county and of the city of Baltimore shall, on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and on the same day in every second year thereafter, elect a Surveyor for each county and the city of Baltimore, respectively, whose term of office shall commence on the first Monday of January next ensuing their election, and whose duties and compensation shall be the same as are now or may hereafter be prescribed by law. And any vacancy in the office of Surveyor shall be filled by the Commissioners of the counties, or by the Mayor and City Council of Baltimore, respectively, for the residue of the term.

SEC. 3. The State Librarian shall be appointed by the Governor, by and

[30] Amendment proposed by the legislature of 1890 and ratified at the election of November 3, 1890.

with the advice and consent of the Senate, and shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. His salary shall be fifteen hundred dollars a year; and he shall perform such duties as are now, or may hereafter be prescribed by law; and no appropriation shall be made by law to pay for any clerk, or assistant to the Librarian. And it shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to pass a law regulating the mode and manner in which the books in the library shall be kept and accounted for by the librarian, and requiring the librarian to give a bond, in such penalty as the Legislature may prescribe, for the proper discharge of his duties.

SEC. 4. There shall be a Commissioner of the Land Office, who shall be appointed by the Governor by and with the advice and consent of the Senate, who shall hold his office during the term of the Governor, by whom he shall have been appointed, and until his successor shall be appointed and qualified. He shall perform such duties as are now required of the Commissioner of the Land Office, or such as may hereafter be prescribed by law, and shall also be the Keeper of the Chancery Records. He shall receive a salary of one thousand five hundred dollars per annum, to be paid out of the Treasury, and shall charge such fees as are now, or may be hereafter fixed by law. He shall make a semi-annual report of all the fees of his office, both as Commissioner of the Land Office and as Keeper of the Chancery Records, to the Comptroller of the Treasury, and shall pay the same semi-annually into the Treasury.

SEC. 5. The Commissioner of the Land Office shall also, without additional compensation, collect, arrange, classify, have charge of and safely keep all papers, records, relics and other memorials connected with the early history of Maryland, not belonging to any other office.

SEC. 6. The qualified voters of Worcester county shall on the Tuesday next after the first Monday in the month of November, in the year eighteen hundred and sixty-seven, and every two years thereafter, elect a Wreck Master for said county, whose duties and compensation shall be the same as are now or may be hereafter prescribed by law; the term of office of said Wreck Master shall commence on the first Monday of January next succeeding his election, and a vacancy in said office shall be filled by the County Commissioners of said county for the residue of the term.

ARTICLE VIII.

EDUCATION.

SECTION 1. The General Assembly, at its first session after the adoption of this Constitution, shall, by law, establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation, or otherwise, for their maintenance.

SEC. 2. The system of public schools, as now constituted, shall remain in force until the end of the said first session of the General Assembly, and shall then expire, except so far as adopted or continued by the General Assembly.

SEC. 3. The school fund of the State shall be kept inviolate, and appropriated only to the purposes of education.

ARTICLE IX.

MILITIA AND MILITARY AFFAIRS.

SECTION 1. The General Assembly shall make, from time to time, such provisions for organizing, equipping and disciplining the Militia, as the exigency may require, and pass such laws to promote volunteer militia organizations as may afford them effectual encouragement.

SEC. 2. There shall be an Adjutant-General appointed by the Governor by and with the advice and consent of the Senate. He shall hold his office until the appointment and qualification of his successor, or until removed in

pursuance of the sentence of a court-martial. He shall perform such duties and receive such compensation or emoluments as are now or may be prescribed by law. He shall discharge the duties of his office at the seat of government, unless absent under orders, on duty; and no other officer of the General Staff of the Militia shall receive salary or pay, except when on service and mustered in with troops.

SEC. 3. The existing Militia Law of the State shall expire at the end of the next session of the General Assembly, except so far as it may be re-enacted, subject to the provisions of this Article.

ARTICLE X.

LABOR AND AGRICULTURE.[31]

SECTION 1. There shall be a Superintendent of Labor and Agriculture elected by the qualified voters of this State at the first general election for Delegates to the General Assembly after the adoption of this Constitution, who shall hold his office for the term of four years, and until the election and qualification of his successor.

SEC. 2. His qualifications shall be the same as those prescribed for the Comptroller; he shall qualify and enter upon the duties of his office on the second Monday of January next succeeding the time of his election; and a vacancy in the office shall be filled by the Governor for the residue of the term.

SEC. 3. He shall perform such of the duties now devolved by law upon the Commissioners of Immigration and the Immigration Agent, as will promote the object for which those officers were appointed, and such other duties as may be assigned to him by the General Assembly, and shall receive a salary of twenty-five hundred dollars a year; and after his election and qualification, the offices before mentioned shall cease.

SEC. 4. He shall supervise all the State inspectors of agricultural products and fertilizers, and from time to time shall carefully examine and audit their accounts, and prescribe regulations not inconsistent with law, tending to secure economy and efficiency in the business of their offices. He shall have the supervision of the tobacco warehouses, and all other buildings used for inspection and storage purposes by the State; and may, at the discretion of the Legislature, have the supervision of all public buildings now belonging to, or which may hereafter, be erected by the State. He shall frequently inspect such buildings as are committed to his charge, and examine all accounts for labor and materials required for their construction or repairs.

SEC. 5. He shall inquire into the undeveloped resources of wealth of the State of Maryland, more specially concerning those within the limits of the Chesapeake Bay and its tributaries, which belong to the State, and suggest such plans as may be calculated to render them available as sources of revenue.

SEC. 6. He shall make detailed reports to every General Assembly within the first week of its session, in reference to each of the subjects committed to his charge, and he shall also report to the Governor, in the recess of the Legislature, all abuses or irregularities which he may find to exist in any department of public affairs with which his office is connected.

SEC. 7. The office hereby established shall continue for four years from the date of the qualification of the first incumbent thereof, and shall then expire, unless continued by the General Assembly.

ARTICLE XI.

CITY OF BALTIMORE.

SECTION 1. The inhabitants of the City of Baltimore qualified to vote for members of the House of Delegates shall, on the Tuesday next after the first Monday in May, eighteen hundred and ninety-nine, and on the same day and month in every fourth year thereafter, elect by ballot a person of known integrity, experience and sound judgment, over twenty-five years of age,

[31] This article expired by limitation.

a citizen of the United States, and five years a resident of said city nex preceding the election, and assessed with property in said city to the amoun of two thousand dollars, and who has paid taxes thereon for two years pre ceding his election to be Mayor of the City of Baltimore; but the Mayo chosen at the first election under this section shall not enter upon the dis charge of the duties of the office until the expiration of the term for whic the present Mayor was elected; unless the said office of Mayor shall becom vacant by death, resignation, removal from the State or other disqualifica tion of the present Mayor.[32]

SEC. 2. The City Council of Baltimore shall consist of two branches, on of which shall be called the First Branch, and the other the Second Branch and each shall consist of such numbers of members, having such qualification receiving such compensation, performing such duties, possessing such powers holding such terms of office, and elected in such manner as are now or ma hereafter be prescribed by law.

SEC. 3. An election for members of the First and Second Branch of th City Council of Baltimore shall be held in the city of Baltimore on the fourth Wednesday of October, eighteen hundred and sixty-seven; and for members o the First Branch on the same day in every year thereafter; and for member of the Second Branch on the same day in every second year thereafter; an the qualification for electors of the members of the City Council shall be th same as those prescribed for the electors of Mayor.

SEC. 3. An election for members of the First Branch of the City Counci of Baltimore shall be held in the city of Baltimore on the Tuesday after th first Monday of November in every year; and for members of the Secon Branch on the Tuesday after the first Monday of November, eighteen hun dred and eighty-nine, and on the same day in every second year thereafter and the qualification for electors of the members of the City Council shall b the same as those prescribed for the electors of Mayor.[33]

SEC. 4. The regular sessions of the City Council of Baltimore (whic shall be anual) shall commence on the third Monday of January of eac year, and shall not continue more than ninety days, exclusive of Sundays but the Mayor may convene the City Council in extra session whenever, and a often as it may appear to him that the public good may require, but no calle or extra session shall last longer than twenty days, exclusive of Sundays.

SEC. 5. No person elected and qualified as Mayor, or as a member of th City Council, shall, during the term for which he was elected, hold any othe office of profit or trust, created or to be created by the Mayor and City Counc of Baltimore, or by any law relating to the corporation of Baltimore, or hol any employment or position, the compensation of which shall be paid, directl or indirectly, out of the city treasury; nor shall any such person be interested directly or indirectly, in any contract to which the city is a party; nor shall i be lawful for any person holding any office under the city, to be interested while holding such office, in any contract to which the city is a party.

SEC. 6. The Mayor shall, on conviction in a court of law, of willfu neglect of duty, or misbehavior in office, be removed from office by the Gov ernor of the State, and a successor shall thereafter be elected, as in a cas of vacancy.

SEC. 7. From and after the adoption of this Constitution, no debt (ex cept as hereinafter excepted) shall be created by the Mayor and City Counc of Baltimore; nor shall the credit of the Mayor and City Council of Balt more be given or loaned to, or in aid of any individual, association or co poration; nor shall the Mayor and City Council of Baltimore have the powe

[32] Thus amended by Chapt. 123, Sec. 16, Acts of 1898. By Chapt. 116, Acts o 1870, the term of mayor was fixed at two years; by Chapt. 397, Acts of 1888, the da of election was set for the Tuesday after the first Monday in November. The act o 1898, Chapt. 123, made the first Monday in May, 1899, the day of election, and ever four years thereafter. Other amendments have also been made by the legislature i the Baltimore Charter.

[33] Thus amended by the Act of 1888, Chapt. 397, Sec. 212; further amended b the Act of 1898, Chapt. 123, Sec. 212, which has made material changes in the severa sections of this Article.

to involve the city of Baltimore in the construction of works of internal improvement, nor in granting any aid thereto, which shall involve the faith and credit of the city, nor make any appropriation therefor, unless such debt or credit be authorized by an Act of the General Assembly of Maryland, and by an ordinance of the Mayor and City Council of Baltimore, submitted to the legal voters of the city of Baltimore, at such time and place as may be fixed by said ordinance, and approved by a majority of the votes cast at such time and place; but the Mayor and City Council may, temporarily, borrow any amount of money to meet any deficiency in the city treasury, or to provide for any emergency arising from the necessity of maintaining the police, or preserving the safety and sanitary condition of the city, and may make due and proper arrangements and agreements for the removal and extension, in whole or in part, of any and all debts and obligations created according to law before the adoption of this Constitution.

SEC. 8. All laws and ordinances now in force applicable to the city of Baltimore, not inconsistent with this Article, shall be, and they are hereby continued until changed in due course of law.

SEC. 9. The General Assembly may make such changes in this Article, except in Section 7th thereof, as it may deem best; and this Article shall not be so construed or taken as to make the political corporation of Baltimore independent of, or free from the control which the General Assembly of Maryland has over all such corporations in this State.

ARTICLE XI-A.

LOCAL LEGISLATION.

SECTION 1. On demand of the Mayor of Baltimore and City Council of the City of Baltimore, or on petition bearing the signatures of not less than 20 per cent of the registered voters of said city or any county (provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition), the Board of Election Supervisors of said city or county shall provide at the next general or Congressional election, occurring after such demand or the filing of such petition, for the election of a charter board of eleven registered voters of said city or five registered voters in any such counties. Nominations for members for said charter board may be made not less than forty days prior to said election by the Mayor of Baltimore and City Council of the City of Baltimore or the County Commissioners of such county, or not less than twenty days prior to said election by petition bearing the signatures written in their own handwriting (and not by their mark) of not less than 5 per cent of the registered voters of the said City of Baltimore or said county; provided, that in any case two thousand signatures of registered voters shall be sufficient to complete any such nominating petition, and if not more than eleven registered voters of the City of Baltimore or not more than five registered voters in any such county are so nominated their names shall not be printed on the ballot, but said eleven registered voters in the City of Baltimore or five in such county shall constitute said charter board from and after the date of said election. At said election the ballot shall contain the names of said nominees in alphabetical order without any indication of the source of their nomination, and shall also be so arranged as to permit the voter to vote for or against the creation of said charter board, but the vote cast against said creation shall not be held to bar the voter from expressing his choice among the nominees for said board, and if the majority of the votes cast for and against the creation of said charter board shall be against said creation the election of the members of said charter board shall be void; but if such majority shall be in favor of the creation of said charter board, then and in that event the eleven nominees of the City of Baltimore or five members in the county receiving the largest number of votes shall constitute the charter board, and said charter board, or a majority thereof, shall prepare within six months from the date of said election a charter or form of government for said city or such county and present the same to the Mayor of Baltimore or President of the Board of County Com-

missioners of such county, who shall publish the same in at least two newspapers of general circulation published in said the City of Baltimore or county within thirty days after it shall be reported to him. Such charter shall be submitted to the voters of said city or county at the next general or Congressional election after the report of said charter to said Mayor of Baltimore or President of the Board of County Commissioners; and if a majority of the votes cast for and against the adoption of said charter shall be in favor of such adoption, the said charter from and after the *thirtieth days* from the date of such election shall become the law of said city or county, subject only to the Constitution and Public General Laws of this State, and any Public Local Laws inconsistent with the provisions of said charter and former charter of said the City of Baltimore or county shall be thereby repealed.

Sec. 2. The General Assembly at its first session after the adoption of this amendment shall, by Public General Law, provide a grant of express powers for such county of counties as may thereafter form a charter under the provisions of this Article. Such express powers granted to the counties and the powers heretofore granted to the City of Baltimore, as set forth in Article 4 Section 6, Public Local Laws of Maryland, shall not be enlarged or extended by any charter formed under the provisions of this Article, but such powers may be extended, modified, amended or repealed by the General Assembly.

Sec. 3. Every charter so formed shall provide for an elective legislative body in which shall be vested the law-making power of said city or county. Such legislative body in the City of Baltimore shall be known as the City Council of the City of Baltimore, and in any county shall be known as the County Council of the county. The chief executive officer, if any such charter shall provide for the election of such executive officer, or the presiding officer of said legislative body, if such charter shall not provide for the election of a chief executive officer, shall be known in the City of Baltimore as Mayor of Baltimore, and in any county as the President of the County Council of the county, and all references in the Constitution and laws of this State to the Mayor of Baltimore and City Council of the City of Baltimore and to the President and County Commissioners of the counties shall be construed to refer to the Mayor of Baltimore and City Council of the City of Baltimore and to the President and County Council herein provided for, whenever such construction would be reasonable. From and after the adoption of a charter by the City of Baltimore, or any county of this State, as hereinbefore provided, the Mayor of Baltimore and City Council of the City of Baltimore or the County Council of said county, subject to the Constitution and Public General Laws of this State, shall have full power to enact local laws of said city or county, including the power to repeal or amend Local Laws of said city or county enacted by the General Assembly, upon all matters covered by the express powers granted as above provided: provided that nothing herein contained shall be construed to authorize or empower the County Council of any county in this State to enact laws or regulations for any incorporated town, village, or municipality in said county, on any matter covered by the powers granted to said town, village, or municipality by the Act incorporating it, or any subsequent Act or Acts amendatory thereto. Provided, however, that the charters of the various counties shall provide that the County Council of the counties shall not sit more than one month in each year for the purpose of enacting legislation for such counties, and all legislation shall be enacted during the month so designated for that purpose in the charter, and all laws and ordinances so enacted shall be published once a week for three successive weeks in at least one newspaper published in such counties, so that the taxpayers and citizens may have notice thereof. This provision shall not apply to Baltimore city. All such local laws enacted by the Mayor of Baltimore and City Council of the City of Baltimore or the Council of the counties hereinbefore provided, shall be subject to the same rules of interpretations as those now applicable to the Public Local Laws of this State, except that in case of any conflict between said Local Law and any Public General Law now or hereafter enacted, the Public General Law shall control.

SEC. 4. From and after the adoption of a charter under the provisions of this Article by the City of Baltimore or any county of this State, no Public Local Law shall be enacted by the General Assembly for said city or county on any subject covered by the express powers granted as above provided. Any law so drawn as to apply to two or more of the geographical subdivisions of this State shall not be deemed a Local Law, within the meaning of this Act. The term "geographical sub-division" herein used shall be taken to mean the City of Baltimore or any of the counties of this State.

SEC. 5. Amendments to any charter adopted by the City of Baltimore or by any county of this State under the provisions of this Article may be proposed by a resolution of the Mayor of Baltimore and the City Council of said the City of Baltimore, or the Council of said county, or by a petition signed by not less than 20 per cent of the registered voters of said city or county, provided, however, that in any case 10,000 signatures shall be sufficient to complete a petition, and filed with the Mayor of Baltimore or the President of the County Council, and when so proposed shall be submitted to the voters of said city or county at the next General or Congressional election occurring after the passage of said resolution, or the filing of said petition, and if at said election the majority of the votes cast for and against said amendments shall be in favor thereof, said amendment shall be adopted and become a part of the charter of said city or county from and after the thirtieth day after said election. Said amendments shall be published by said Mayor of Baltimore or President of the County Council once a week for five successive weeks prior to said election in at least one newspaper published in said city or county.

SEC. 6. The power heretofore conferred upon the General Assembly to prescribe the number, compensation, powers and duties of the County Commissioners in each county, and the power to make changes in Sections 1 to 6, inclusive, Article XI of this Constitution, when expressly granted as hereinbefore provided, are hereby transferred to the voters of each county and the voters of City of Baltimore, respectively, provided that said powers so transferred shall be exercised only by the adoption or amendment of a charter as hereinbefore provided; and provided further, that this Article shall not be construed to authorize the exercise of any powers in excess of those conferred by the Legislature upon said counties or city as this Article sets forth.

SEC. 7. The words "Petition," as used in this Article, means one or more sheets, written or printed, or partly written and partly printed; "Signature" means the signature of a registered voter written by himself in his own handwriting (and not by his mark), together with the ward or district and precinct in which he is registered. The authenticity of such signatures and the fact that the persons so signing are registered voters shall be evidenced by the affidavit of one or more registered voters of the city or county in which said voters so signing are registered, and one affidavit may apply to or cover any number of signatures to such petition. The false signing of any name, or the signing of any fictitious name to said petition shall be forgery, and the making of any false affidavit in connection with said petition shall be perjury.[34]

ARTICLE XII.

PUBLIC WORKS.

SECTION 1. The Governor, the Comptroller of the Treasury and the Treasurer shall constitute the Board of Public Works in this State. They shall keep a journal of their proceedings, and shall hold regular sessions in the city of Annapolis on the first Wednesday in January, April, July and October in each year, and oftener if necessary; at which sessions they shall hear and determine such matters as affect the public works of the State, and as the General Assembly may confer upon them the power to decide.

SEC. 2. They shall exercise a diligent and faithful supervision of all

[34] Article XI-A is a new article: it was proposed by the legislature of 1914 and ratified on November 2, 1915.

public works in which the State may be interested as stockholder or creditor, and shall represent and vote the stock of the State of Maryland in all meetings of the stockholders of the Chesapeake and Ohio Canal; and shall appoint the directors in every railroad and canal company in which the State has the legal power to appoint directors, which said directors shall represent the State in all meetings of the stockholders of the respective companies for which they are appointed or elected. And the president and directors of the said Chesapeake and Ohio Canal Company shall so regulate the tolls of said company from time to time as to produce the largest amount of revenue, and to avoid the injurious effect to said company of rival competition by other internal improvement companies. They shall require the directors of all said public works to guard the public interest and prevent the establishment of tolls which shall discriminate against the interests of the citizens or products of this State, and from time to time, and as often as there shall be any change in the rates of toll on any of the said works, to furnish the said Board of Public Works a schedule of such modified rates of toll, and so adjust them as to promote the agricultural interests of the State; they shall report to the General Assembly at each regular session, and recommend such legislation as they may deem necessary and requisite to promote or protect the interests of the State in the said public works; they shall perform such other duties as may be hereafter prescribed by law, and a majority of them shall be competent to act. The Governor, Comptroller and Treasurer shall receive no additional salary for services rendered by them as members of the Board of Public Works. The provisions of the Act of the General Assembly of Maryland of the year 1867, Chapter 359, are hereby declared null and void.

SEC. 3. The Board of Public Works is hereby authorized, subject to such regulations and conditions as the General Assembly may from time to time prescribe, to sell the State's interest in all works of internal improvement, whether as a stockholder or a creditor, and also the State's interest in any banking corporation, receiving in payment the bonds and registered debt now owing by the State, equal in amount to the price obtained for the State's said interest.[35]

ARTICLE XIII.

NEW COUNTIES.

SECTION 1. The General Assembly may provide, by law, for organizing new counties, locating and removing county seats and changing county lines; but no new county shall be organized without the consent of the majority of the legal voters residing within the limits proposed to be formed into said new county; and whenever a new county shall be proposed to be formed out of portions of two or more counties, the consent of majority of the legal voters of such part of each of said counties, respectively, shall be required; nor shall the lines of any county be changed without the consent of a majority of the legal voters residing within the district, which under said proposed change, would form a part of a county different from that to which it belonged prior to said change; and no new county shall contain less than four hundred square miles, nor less than ten thousand white inhabitants; nor shall any change be made in the limits of any county, whereby the population of said county would be reduced to less than ten thousand white inhabitants, or its territory reduced to less than four hundred square miles.

SEC. 2. At the election to be held for the adoption or rejection of this Constitution, in each election district, in those parts of Worcester and Somerset counties, comprised within the following limits, viz.: Beginning at the point where Mason and Dixon's line crosses the channel of Pocomoke river; thence following said line to the channel of the Nanticoke river; thence with the channel of said river to Tangier's Sound, or the intersection of Nanticoke and Wicomico rivers; thence up the channel of the Wicomico river to the mouth of Wicomico creek; thence with the channel of said creek and Passer-

[35] Amendment proposed by the legislature of 1890 and ratified at the election of November 3, 1891.

dyke creek to Dashield's or Disharoon's Mills; thence with the mill-pond of said mills and branch following the middle prong of said branch, to Meadow Bridge, on the road dividing the counties of Somerset and Worcester, near the southwest corner of farm of William P. Morris; thence due east to the Pocomoke river; thence with the channel of said river to the beginning; the Judges of Election, in each of said districts, shall receive the ballots of each elector, voting at said election, who has resided for six months preceding said election within said limits, for or against a new county; and the return judges of said election districts shall certify the results of such voting, in the manner now prescribed by law, to the Governor, who shall by proclamation make known the same, and if a majority of the legal votes cast within that part of Worcester county, contained within said lines, and also a majority of the legal votes cast within that part of Somerset county, contained within said lines, shall be in favor of a new county, then said parts of Worcester and Somerset counties shall become and constitute a new county, to be called Wicomico county, and Salisbury shall be the county seat. And the inhabitants thereof shall thenceforth have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties of this State.

Sec. 3. When said new county shall have been so created, the inhabitants thereof shall cease to have any claim to, or interest in, the county buildings and other public property of every description belonging to said counties of Somerset and Worcester, respectively, and shall be liable for their proportionate shares of the then existing debts and obligations of the said counties according to the last assessment in said counties, to be ascertained and apportioned by the Circuit Court of Somerset county, as to the debts and obligations of said county, and by the Circuit Court of Worcester county as to the debts and obligations of Worcester county, on the petition of the County Commissioners of the said counties, respectively; and the property in each part of the said counties included in said new county shall be bound only for the share of the debts and obligations of the county from which it shall be separated; and the inhabitants of said new county shall also pay the county taxes levied upon them at the time of the creation of such new county, as if such new county had not been created; and on the application of twelve citizens of the proposed county of Wicomico, the Surveyor of Worcester county shall run and locate the line from Meadow Bridge to the Pocomoke river, previous to the adoption or rejection of this Constitution, and at the expense of said petitioners.

Sec. 4. At the first general election held under this Constitution the qualified voters of said new county shall be entitled to elect a Senator and two Delegates to the General Assembly, and all such county or other officers as this Constitution may authorize, or require to be elected by other counties of the State; a notice of such election shall be given by the Sheriffs of Worcester and Somerset counties in the manner now prescribed by law; and in case said new county shall be established, as aforesaid, then the counties of Somerset and Worcester shall be entitled to elect but two Delegates each to the General Assembly.

Sec. 5. The county of Wicomico, if formed according to the provisions of this Constitution, shall be embraced in the First Judicial Circuit, and the times for holding the courts therein shall be fixed and determined by the General Assembly.

Sec. 6. The General Assembly shall pass all such laws as may be necessary more fully to carry into effect the provisions of this Article.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

Section 1. The General Assembly may propose amendments to this Constitution; provided, that each amendment shall be embraced in a separate bill, embodying the Article or Section, as the same will stand when amended and passed by three-fifths of all the members elected to each of the two

Houses by yeas and nays, to be entered on the journals with the proposed amendment. The bill or bills proposing amendment or amendments shall be published by order of the Governor, in at least two newspapers in each county, where so many may be published, and where not more than one may be published, then in that newspaper, and in three newspapers published in the city of Baltimore, one of which shall be in the German language, once a week for at least three months preceding the next ensuing general election, at which the proposed amendment or amendments shall be submitted, in a form to be prescribed by the General Assembly, to the qualified voters of the State for adoption or rejection. The votes cast for and against said proposed amendment or amendments, severally, shall be returned to the Governor, in the manner prescribed in other cases, and if it shall appear to the Governor that a majority of the votes cast at said election on said amendment or amendments, severally, were cast in favor thereof, the Governor shall, by his proclamation, declare the said amendment or amendments having received said majority of votes, to have been adopted by the people of Maryland as part of the Constitution thereof, and thenceforth said amendment or amendments shall be part of the said Constitution. When two or more amendments shall be submitted in manner aforesaid, to the voters of this State at the same election, they shall be so submitted as that each amendment shall be voted on separately.

Sec. 2. It shall be the duty of the General Assembly to provide by law for taking, at the general election to be held in the year eighteen hundred and eighty-seven, and every twenty years thereafter, the sense of the people in regard to calling a convention for altering this Constitution; and if a majority of voters at such election or elections shall vote for a convention, the General Assembly, at its next session, shall provide by law for the assembling of such convention, and for the election of Delegates thereto. Each county and Legislative District of the city of Baltimore shall have in such convention a number of Delegates equal to its representation in both Houses at the time at which the convention is called. But any Constitution, or change, or amendment, or the existing Constitution, which may be adopted by such convention, shall be submitted to the voters of this State, and shall have no effect unless the same shall have been adopted by a majority of the voters voting thereon.

ARTICLE XV.

MISCELLANEOUS.

Section 1. Every person holding any office created by, or existing under the Constitution or laws of the State (except Justices of the Peace, Constables and Coroners), or holding any appointment under any court of this State, whose pay or compensation is derived from fees or moneys coming into his hands for the discharge of his official duties, or in any way growing out of or connected with his office, shall keep a book in which shall be entered every sum or sums of money received by him, or on his account, as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be returned yearly to the Comptroller of the State for his inspection, and that of the General Assembly of the State, to which the Comptroller shall, at each regular session thereof, make a report showing what officers have complied with this section; and each of the said officers, when the amount received by him for the year shall exceed the sum which he is by law entitled to retain as his salary or compensation for the discharge of his duties, and for the expenses of his office, shall yearly pay over to the Treasurer of the State, the amount of such excess, subject to such disposition thereof as the General Assembly may direct; if any of such officers shall fail to comply with the requisitions of this section for the period of thirty days after the expiration of each and every year of his office, and the Governor shall declare the same vacant, and the vacancy therein shall be filled as in case of vacancy for any other cause, and such officer shall be subject to suit by the State for the amount that ought to be paid into the Treasury;

and no person holding any office created by or existing under this Constitution or laws of the State, or holding any appointment under any court in this State, shall receive more than three thousand dolars a year as a compensation for the discharge of his official duties, except in cases specially provided in this Constitution.

SEC. 2. The several courts existing in this State at the time of the adoption of this Constitution shall, until superseded under its provisions, continue with like powers and jurisdiction, and in the exercise thereof, both at law and in equity, in all respects, as if this Constitution had not been adopted; and when said courts shall be so superseded, all causes then depending in said courts shall pass into the jurisdiction of the several courts, by which they may be respectively superseded.

SEC. 3. The Governor and all officers, civil and military, now holding office under this State, whether by election or appointment, shall continue to hold, exercise and discharge the duties of their offices (unless inconsistent with or otherwise provided in this Constitution), until they shall be superseded under its provisions, and until their successors shall be duly qualified.

SEC. 4. If at any election directed by this Constitution, any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered by the Governor, except in cases specially provided for by this Constitution.

SEC. 5. In the trial of all criminal cases, the jury shall be the judges of law, as well as of fact.

SEC. 6. The right of trial by jury of all issues of fact in civil proceedings in the several courts of law in this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

SEC. 7. All general elections in this State shall be held on the Tuesday next after the first Monday in the month of November, in the year in which they shall occur; and the first election of all officers, who, under this Constitution, are required to be elected by the people, shall, except in cases herein specially provided for, be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty-seven.

SEC. 8. The Sheriffs of the several counties of this State and of the city of Baltimore shall give notice of the several elections authorized by this Constitution, in the manner prescribed by existing laws for elections to be held in this State, until said laws shall be changed.

SEC. 9. The term of office of all judges and other officers, for whose election provision is made by this Constitution, shall, except in cases otherwise expressly provided herein, commence from the time of their election; and all such officers shall qualify as soon after their election as practicable, and shall enter upon the duties of their respective offices immediately upon their qualification; and the term of office of the State Librarian and of Commissioner of the Land Office shall commence from the time of their appointment.

SEC. 10. Any officer elected or appointed in pursuance of the provisions of this Constitution, may qualify, either according to the existing provisions of law, in relation to officers under the present Constitution, or before the Governor of the State, or before any clerk of any court of record in any part of the State; but in case an officer shall qualify out of the county in which he resides, an official copy of his oath shall be filed and recorded in the clerk's office of the Circuit Court of the county in which he may reside, or in the clerk's office of the Superior Court of the city of Baltimore, if he shall reside therein.

VOTE ON THE CONSTITUTION.

For the purpose of ascertaining the sense of the people of this State in regard to the adoption or rejection of this Constitution, the Governor shall issue his proclamation within five days after the adjournment of this convention, directed to the Sheriffs of the city of Baltimore and of the several counties of this State, commanding them to give notice in the manner now prescribed by law in reference to the election of members of the House of Delegates, that an election for the adoption or rejection of this Constitution

will be held in the city of Baltimore and in the several counties of this State, on Wednesday, the eighteenth day of September, in the year eighteen hundred and sixty-seven, at the usual places of holding elections for members of the House of Delegates in said city and counties. At the said election the vote shall be by ballot, and upon each ballot there shall be written or printed the words, "For the Constitution," or "Against the Constitution," as the voter may elect; and the provisions of the laws of this State relating to the holding of general elections for members of the House of Delegates, shall in all respects apply to and regulate the holding of the said election. It shall be the duty of the judges of election in said city and in the several counties of the State to receive, accurately count and duly return the number of ballots so cast for or against the adoption of this Constitution, as well as any blank ballots which may be cast, to the several clerks of the Circuit Courts of this State, and to the clerk of the Superior Court of Baltimore City, in the manner now prescribed by law, in reference to the election of members of the House of Delegates, and duplicates thereof, directly to the Governor; and the several clerks aforesaid shall return to the Governor, within ten days after said election, the number of ballots cast for or against the Constitution, and the number of blank ballots; and the Governor, upon receiving the returns from the judges of election, or the clerks as aforesaid, and ascertaining the aggregate vote throughout the State, shall, by his proclamation, make known the same; and if a majority of the votes cast shall be for the adoption of this Constitution, it shall go into effect on Saturday, the fifth day of October, eighteen hundred and sixty-seven.

ARTICLE XVI.

THE REFERENDUM.

SEC. 1 (a). The people reserve to themselves power known as The Referendum, by petition to have submitted to the registered voters of the State, to approve or reject at the polls, any Act, or part of any Act of the General Assembly, if approved by the Governor, or, if passed by the General Assembly over the veto of the Governor;

(b) The provisions of this Article shall be self-executing; provided that additional legislation in furtherance thereof and not in conflict therewith may be enacted.

SEC. 2. No law enacted by the General Assembly shall take effect until the first day of June next after the session at which it may be passed, unless it contain a Section declaring such law an emergency law and necessary for the immediate preservation of the public health or safety, and passed upon a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly; provided, however, that said period of suspension may be extended as provided in Section 3 (b) hereof. If before said first day of June there shall have been filed with the Secretary of the State a petition to refer to a vote of the people any law or part of a law capable of referendum, as in this Article provided, the same shall be referred by the Secretary of State to such vote, and shall not become a law or take effect until thirty days after its approval by a majority of the electors voting thereon at the next ensuing election held throughout the State for Members of the House of Representatives of the United States. An emergency law shall remain in force notwithstanding such petition, but shall stand repealed thirty days after having been rejected by a majority of the qualified electors voting thereon; provided, however, that no measure creating or abolishing any office, or changing the salary, term or duty of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be enacted as an emergency law. No law making any appropriation for maintaining the State Government, or for maintaining or aiding any public institution, not exceeding the next previous appropriation for the same purpose, shall be subject to rejection or repeal under this Section. The increase in any such appropriation for maintaining or aiding any public institution shall only take effect as in the case of other laws, and such increase or any part

thereof specified in the petition, may be referred to a vote of the people upon petition.

SEC. 3. (a). The referendum petition against an Act or part of an Act passed by the General Assembly, shall be sufficient if signed by ten thousand qualified voters of the State of Maryland, of whom not more than half shall be residents of Baltimore City, or of any one county; provided that any Public Local Law for any one county or the City of Baltimore shall be referred by the Secretary of State only to the people of said county or City of Baltimore, upon a referendum petition of ten per cent. of the qualified voters of said county or City of Baltimore as the case may be, calculated upon the whole number of votes cast therein respectively for Governor at the last preceding Gubernatorial election.

(b) If more than one-half, but less than the full number of signatures required to complete any referendum petition against any law passed by the General Assembly, be filed with Secretary of State before the first day of June, the time for the law to take effect, and for filing the remainder of signatures to complete the petition shall be extended to the thirtieth day of the same month, with like effect.

SEC. 4. A petition may consist of several papers, but each paper shall contain the full text of the Act or part of Act petitioned upon; and there shall be attached to each such paper an affidavit of the person procuring the signatures thereon that of the said person's own personal knowledge every signature thereon is genuine and bona fide, and that the signers are registered voters of the State of Maryland, and of the City of Baltimore, or county, as the case may be, as set opposite their names, and no other verification shall be required.

SEC. 5 (a). The General Assembly shall provide for furnishing the voters of the State the text of all measures to be voted upon by the people; provided, that until otherwise provided by law the same shall be published in the manner prescribed by Article XIV of the Constitution for the publication of proposed Constitutional Amendments.

(b) All laws referred under the provisions of this Article shall be submitted separately on the ballots to the voters of the people, but if containing more than two hundred words, the full text shall not be printed on the official ballots, but the Secretary of State shall prepare and submit a ballot title of each such measure in such form as to present the purpose of said measure concisely and intelligently. The ballot title may be distinct from the legislative title, but in any case the legislative title shall be sufficient. Upon each of the ballots, following the ballot title or text, as the case may be, of each such measure, there shall be printed the words "For the referred law" and "Against the referred law," as the case may be. The votes cast for and against any such referred law shall be returned to the Governor in the manner prescribed with respect to proposed amendments to the Constitution under Article XIV of this Constitution, and the Governor shall proclaim the result of the election, and, if it shall appear that the majority of the votes cast on any such measure were cast in favor thereof, the Governor shall by his proclamation declare the same having received a majority of the votes to have been adopted by the people of Maryland as a part of the laws of the State, to take effect thirty days after such election, and in like manner and with like effect the Governor shall proclaim the result of the local election as to any Public Local Law which shall have been submitted to the voters of any county or the City of Baltimore.

SEC. 6. No law or Constitutional Amendment, licensing, regulating, prohibiting, or submitting to local option, the manufacture or sale of malt or spiritous liquors, shall be referred or repealed under any Act of the provisions of this Article.[36]

[36] Article XVI is a new article; it was proposed by the legislature of 1914 and was ratified at the election of November 2, 1915.

CONSTITUTION OF MASSACHUSETTS—1780.*

PREAMBLE.

The end of the institution, maintenance and administration of government, is to secure the existence of the body-politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying in safety and tranquility their natural rights, and the blessings of life: And whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness—The Body-politic is formed by a Voluntary association of individuals: It is a social compact by which the whole people covenants with each Citizen, and each Citizen with the whole people, that all shall be governed by certain Laws for the Common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them. WE, therefore, the People of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of his Providence, an opportunity, deliberately and peaceably, without fraud, violence or surprize, of entering into an Original, explicit and Solemn Compact with each other; and of forming a New Constitution of Civil Government, for Ourselves and Posterity; and devoutly imploring His direction in so interesting a Design, DO agree upon, ordain and establish, the following DECLARATION OF RIGHTS, AND FRAME OF GOVERNMENT, AS THE CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OF MASSACHUSETTS.

ART. I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their Lives and Liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II. It is the right as well as the Duty of all men in society, publickly, and at stated seasons to worship the SUPREME BEING, the great Creator and preserver of the Universe. And no Subject shall be hurt, molested, or restrained, in his Person, Liberty, or Estate, for worshipping GOD in the manner and season

*The constitution of Massachusetts was drafted by a convention which assembled at Cambridge on September 1, 1779, and adjourned on June 16, 1780. A committee of 30 was elected to prepare a draft of a constitution and the convention of 312 delegates adjourned on September 7. The committee of 30 delegated its authority to a sub-committee of 3, and the sub-committee left the entire task to John Adams. The draft which Adams prepared, with one or two additions suggested by the larger committee, was submitted to the convention when it assembled for its second session on October 28, 1779. The whole of this session was devoted to a consideration of the Declaration of Rights. Owing to the marked decline in attendance, the convention adjourned on November 11 and re-assembled for its third session on January 5, 1780, although no business was transacted until January 27. In spite of a light attendance of delegates, the remainder of the constitution was gone over and on March 2 the convention again adjourned after having submitted a finished draft of a constitution to the people in the form of a printed pamphlet. The proposed constitution was considered by the people assembled in their town meetings and each provision was debated and voted on separately. The people were also asked to authorize the convention, at an adjourned session on June 5, to ratify and declare the constitution in force if two-thirds of the votes given by the electorate were in favor of its adoption; or to alter the proposed instrument of government in accordance with the popular will as expressed in the returns and ratify it as thus amended. The constitution underwent a searching criticism in the town meetings and many proposed amendments were suggested. Out of a total population of 363,000 only about 16,000

most agreeable to the Dictates of his own conscience, or for his religious Profession or sentiments; provided he doth not Disturb the public peace, or obstruct others in their religious Worship.—

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a Community, but by the institution of the public Worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several Towns, Parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own Expence, for the institution of the Public worship of God, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases where such provision shall not be made Voluntarily.—And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the Subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can Conscientiously and conveniently attend—Provided notwithstanding, that the several towns, Parishes, precincts, and other bodies Politic, or religious societies, shall, at all times, have the exclusive right of electing their public Teachers, and of contracting with them for their support and maintenance.—And all monies paid by the Subject to the Support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said monies are raised—And every denomination of christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the Law: and no subordination of any one sect or denomination to another shall ever be established by law.][1]

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America in Congress assembled.—

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.—

VI. No man, nor Corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the Community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissable to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.—

VII. Government is instituted for the Common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or

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votes were cast on the constitution, but this was a larger vote than was cast for governor during the ensuing six years. The convention re-assembled on June 5 for its fourth and last session, and proceeded to tabulate the votes which had been cast on the several proposed provisions. The methods employed in the calculation of the returns were questionable, but on June 15 the convention voted that the people had ratified the constitution as it was submitted to them in the printed form. The constitution became effective on the last Wednesday of October, 1780, except for the purpose of holding the necessary elections. The third convention was held in 1820, and the fourth in 1853. This latter convention assembled on May 4 and adjourned on August 1, 1853, and the constitution as drafted was submitted to the people on November 11, 1853, and all of the proposed amendments were rejected.

[1] Article XI of the Amendments was substituted for Article III in 1833.

private interest of any one man, family, or Class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it. —

VIII. In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments. —

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments. —[2]

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, Liberty and property, according to standing Laws. He is obliged, Consequently, to contribute his share to the expence of this protection; to give his personal service, or an equivalent, when necessary: But no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controulable by any other Laws than those to which their Constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor. —[3]

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; compleatly, and without any denial; promptly, and without delay; conformably to the laws. —

XII. No subject shall be held to answer for any Crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be Compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favourable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his council, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land. And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil Officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws. —

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practiced, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the

[2] For definition of "inhabitant" see Chapter I, Section II, Article II.

[3] For an amendment to this article see Amendments, Article XXXIX, adopted in 1911.

high seas, and such as relate to mariners wages, the legislature shall hereafter find it necessary to alter it. —

XVI. The Liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth. —

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the Legislature; and the military power shall always be held in an exact subordination to the Civil authority, and be governed by it. —

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherrence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their Officers and representatives: and they have a right to require of their law givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer. —

XX. The power of suspending the Laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for. —

XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require. —

XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied under any pretext whatsoever, without the consent of the people or their Representatives in the legislature. —

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature. —

XXVI. No magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual Punishments.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of War, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

XXVIII. No person can in any case be subjected to law martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every Citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial Court should hold their offices as long as they behave them-

selves well; and that they should have honorable salaries ascertained and established by standing laws. —

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men. —

PART THE SECOND.

THE FRAME OF GOVERNMENT.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body-politic, or State, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

Section I.

The General Court.

Art. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other. The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be stiled, The General Court of Massachusetts.[4]

II. No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revisal; And if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in which soever the same shall have originated; who shall enter the objections sent down by the Governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said Senate or House of Representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth. —

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the Governor within five days after it shall have been presented, the same shall have the force of a law.[5]

III. The General Court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other Courts, to be held in the name of the Commonwealth, for the hearing, trying, and determining of all manner of Crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same, whether the same be criminal or Civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal

[4]For change of date of assembling of the general court see Amendments, Article X, adopted in 1831.

[5]Article I of the Amendments, adopted in 1821, provides that bills not receiving the governor's approbation by reason of an adjournment shall not have effect as law

or mixt; and for the awarding and making out of execution thereupon. To which Courts and judicatories are hereby given and granted full power and authority, from time to time, to administer Oaths or affirmations, for the better discovery of truth in any matter in Controversy or depending before them. —

IV. And further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable Orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defense of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said Commonwealth, the election and Constitution of whom are not hereafter in this Form of Government otherwise provided for; and to set forth the several duties, powers, and limits, of the several Civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several Offices and places, so as the same be not repugnant or contrary to this Constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises, upon any produce, goods, wares, merchandize, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the Governor of this Commonwealth for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. —

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practiced, in order that such assessments may be made with equality there shall be a valuation of estates within the Commonwealth taken anew once in every ten years at least, and as much oftener as the General Court shall order.—[6]

CHAPTER I.

Section II.

Senate.

1. [There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this Constitution is provided, forty persons to be Counsellors and Senators for the year ensuing their election; to be chosen by the Inhabitants of the districts into which the Commonwealth may from time to time be divided by the General Court for that purpose: And the General Court in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the Commonwealth, the limits of each district, and the number of Counsellors and Senators to be chosen therein; provided that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six Senators.

And the several counties in this Commonwealth shall, until the General Court shall determine it necessary to alter the said districts, be districts

[6] Article XLI of the Amendments adopted in 1942 authorizes the general court to devise special methods for the taxation of wild and forest lands; Article XLIV of the Amendments adopted in 1945, empowers the general court to impose taxes on incomes. By Article II and XLII of the Amendments, respectively, the general court is empowered to charter cities and refer bills and resolves to a vote of the people.

for the choice of Counsellors and Senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for Counsellors and Senators, Viz.:—

Suffolk	Six	York	Two
Essex	Six	Dukes County and Nantucket	One
Middlesex	Five	Worcester	Five
Hampshire	Four	Cumberland	One
Plymouth	Three	Lincoln	One
Barnstable	One	Berkshire	Two.][7]
Bristol	Three		

II. The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz. There shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this Commonwealth; to be called by the Selectmen, and warned in due course of law, at least Seven days before the [first Monday in April,] for the purpose of electing persons to be Senators and Counsellors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the Commonwealth of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the Senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant" in this Constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district or plantation where he dwelleth, or hath his home.[8] The Selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such Towns present and qualified to vote for Senators and shall sort and count them in open town meeting, and in presence of the Town-Clerk; who shall make a fair record, in presence of the Selectmen and in open town-meeting, of the name of every person voted for, and the number of votes against his name; and a fair copy of this record shall be attested by the Selectmen and the Town-Clerk, and shall be sealed up, directed to the Secretary of the Commonwealth for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the Town Clerk of such Town, to the sheriff of the county in which such Town lies thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the Secretary's office seventeen days at least before the said [last Wednesday in May:—] And the Sheriff of each County shall deliver all such Certificates by him received, into the Secretary's Office, seventeen Days before the said [last Wednesday in May.][9]

And the inhabitants of plantations unincorporated, qualified as this Constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of Government, shall have the same privilege of voting for Counsellors and Senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April],[10] at such place in the plantations, respectively, as the assessors there of shall direct; which Assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town Clerk have in their several towns, by this Constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for Counsellors and Senators in the town

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[7]Superseded by Articles XIII and XXII of the Amendments, adopted in 18 and 1857, respectively. See also Article XVI of the Amendments.

[8]This section has been modified by Articles II, III, X, XV, XX, XXIII, XXV XXVIII, XXX, XXXI and XXXII.

[9]Modified by Amendments, Articles II and X.

[10]Date of election changed by Article XV of the Amendments.

where they shall be assessed, and be notified of the place of meeting by the Selectmen of the town where they shall be assessed, for that purpose, accordingly. —

III. And that there may be a due convention of Senators on the [last Wednesday in May][11] annually, the Governor with five of the Council, for the time being, shall, as soon as may be, examine the returned Copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by a [majority] of[12] voters, to attend on that day, and take their seats accordingly: provided nevertheless, that for the first year the said returned copies shall be examined by the President and five of the Council of the former Constitution of Government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid. —

IV. The Senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the Constitution; and shall, [on the said last Wednesday in May][13] annually, determine and declare who are elected by each district to be Senators [by a majority of votes;][14] and in case there shall not appear to be the full number of Senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner. Viz. The members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of Senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of Senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.—][15]

V. Provided nevertheless, that no person shall be capable of being elected as a Senator, [who is not seized in his own right of a freehold within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.[16]

VI. The Senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time. —

VII. The Senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings. —

VIII. The Senate shall be a court with full authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the Senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this Commonwealth: But the party so convicted shall be, nevertheless, liable to indictment, trial judgment, and punishment, according to the laws of the land. —

IX. [Not less than sixteen members of the Senate shall constitute a quorum for doing business. —][17]

[11] Date changed to first Wednesday in January by Amendments, Article X.
[12] Changed by Amendments, Article XIV.
[13] Date changed to first Wednesday of January by Amendments, Article X.
[14] Majority changed to plurality by Amendments, Article XIV.
[15] For method of filling vacancies see Amendments, Article XXIV.
[16] Property qualifications abolished in 1840 by Amendments, Article XIII. See also Amendments, Article XXII.
[17] Quorum re-defined by Amendments, Articles XXII and XXXIII.

CHAPTER I.

Section III.

House of Representatives.

I. There shall be in the Legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality. —

II. [And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty rateable polls may elect one Representative: Every corporate town, containing three hundred and seventy-five rateable polls, may elect two Representatives: Every corporate town containing six hundred rateable polls, may elect three Representatives; and proceeding in that manner, making two hundred and twenty-five rateable polls, the mean increasing number for every additional Representative.

Provided nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one Representative; But no place shall hereafter be incorporated with the privilege of electing a Representative, unless there are within the same one hundred & fifty rateable polls. —][18]

And the House of Representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this Constitution. —

[The expences of traveling to the General Assembly and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the House, and does not depart without leave. —][19]

III. Every member of the House of Representatives shall be chosen by written votes; [and, for one year at least next preceeding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any rateable estate to the value of two hundred pounds: and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.—][20]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a Representative, or Representatives for the said town. —][21]

V. The members of the House of Representatives shall be chosen annually [in the month of May, ten days at least before the last Wednesday of that month.—][22]

VI. The House of Representatives shall be the Grand Inquest of this Commonwealth; and all impeachments made by them, shall be heard and tried by the Senate.

VII. All money-bills shall originate in the House of Representatives, but the Senate may propose or concur with amendments, as on other bills. —

VIII. The House of Representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time. —

IX. [Not less than sixty members of the House of Representatives, shall constitute a quorum for doing business.][23]

X. The House of Representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the Constitution

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[18]Superseded by Articles XII and XIII, which were in turn superseded by Article XXI of the Amendments.

[19]Annulled by Article XXXV of the Amendments.

[20]Residential qualifications re-defined by Article XXI of the Amendments; property qualifications abolished by Article XIII of the Amendments.

[21]Superseded by Articles III, XX, XXVIII, XXX, XXXI and XXXII. See also Article XXII which was annulled by Article XXVI of the Amendments.

[22]Date of election changed by Articles X and XV of the Amendments.

[23]Quorum re-defined by Articles XXI and XXXIII of the Amendments.

shall chuse their own Speaker; appoint their own officers, and settle the rules and orders of proceeding in their own House. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly, or contemptuous behaviour, in its presence; or who, in the town where the General Court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the House, in his way in going or returning; or who shall rescue any person arrested by the order of the House.—And no member of the House of Representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the General Assembly.—

XI. The Senate shall have the same powers in the like cases; and the Governor and Council shall have the same authority to punish in like cases. Provided that no imprisonment on the warrant or order of the Governor, Council, Senate, or House of Representatives, for either of the above-described offences, be for a term exceeding thirty days.—

And the Senate and House of Representatives may try, and determine, all cases where their rights and privileges are concerned, and which, by the Constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.—

CHAPTER II.

EXECUTIVE POWER.

Section I.

GOVERNOR.

I. There shall be a supreme executive Magistrate, who shall be stiled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.—

II. The Governor shall be chosen annually: and no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceeding [and unless he shall at the same time be seized, in his own right, of a freehold within the Commonwealth of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.—][24]

III. Those persons who shall be qualified to vote for Senators and Representatives within the several Towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the [first Monday of April][25] annually, give in their votes for a Governor, to the Selectmen, who shall preside at such meetings; and the Town Clerk, in the presence and with the assistance of the Selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the Town Books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the Selectmen, and transmit the same to the Sheriff of the county, thirty days at least before the [last Wednesday in May]; and the Sheriff shall transmit the same to the Secretary's Office, seventeen days at least before the said [last Wednesday in May]; or the Selectmen may cause returns of the same to be made to the office of the Secretary of the Commonwealth, seventeen days at least before the said day; and the Secretary shall lay the same before the Senate and the House of Representatives, on the [last Wednesday in May][26] to be by them examined: And in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published:

[24]Modified by Articles VII and XXXIV of the Amendments.

[25]Date of election changed by Articles X and XV of the Amendments. See also Article II of the Amendments.

[26]Date changed to first Wednesday of January by Article X of the Amendments.

but if no person shall have a [majority][27] of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for, and make return to the Senate of the two persons so elected; on which the Senate shall proceed, by ballot, to elect one, who shall be declared Governor.—

IV. The Governor shall have authority from time to time, at his discretion, to assemble and call together the Counsellors of this Commonwealth for the time being; and the Governor with the said Counsellors, or five of them at least, shall, and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, agreeably to the Constitution and the laws of the land.—

V. The Governor, with advice of Council, shall have full power and authority, during the Session of the General Court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceeding the last Wednesday in May;] and, in the recess of the said Court, to prorogue the same from time to time, not exceeding ninety days in any one recess;[28] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same: And in case of any infectious distemper prevailing in the place where the said Court is next at any time to convene, or any other cause happening whereby danger may arise to the health or lives of the members from their attendance, he may direct the Session to be held at some other, the most convenient place within the State.—

[And the Governor shall dissolve the said General Court on the day next preceeding the last Wednesday in May.][28]

VI. In cases of disagreement between the two Houses, with regard to the necessity, expediency or time of adjournment, or prorogation, the Governor, with advice of the Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety days, as he shall determine the public good shall require.—

VII. The Governor of this Commonwealth, for the time being, shall be the commander in chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprizes, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the Legislature to exist, as occasion shall necessarily require; and to take and surprize by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this Commonwealth; and that the Governor be intrusted with all these and other powers, incident to the offices of Captain-General and Commander in Chief, and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and the laws of the land, and not otherwise.—

Provided, that the said Governor shall not, at any time hereafter, by virtue of any power by this Constitution granted, or hereafter to be granted,

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[27]Changed to plurality by Article XIV of the Amendments.

[28]See Article X of the Amendments relative to the dissolution of the general court.

to him by the Legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the Senate by an impeachment of the House, shall be in the governor, by and with the advice of Council: But no charter of pardon, granted by the Governor, with advice of the Council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned. —

IX. All judicial officers, [the Attorney-General,] the Solicitor-General, [all Sheriffs,] Coroners, [and Registers of probate,] shall be nominated and appointed by the Governor, by and with the advice and Consent of the Council: and every such nomination shall be made by the Governor, and made at least seven days prior to such appointment. —[29]

X. The Captains and Subalterns of the militia, shall be elected by the written votes of the train band and alarm list of their respective companies, [of twenty-one years of age and upwards:][30] The Field Officers of regiments shall be elected by the written votes of the Captains and Subalterns of their respective regiments: The Brigadiers shall be elected in like manner, by the Feild Officers of their respective brigades: And such Officers, so elected, shall be commissioned by the Governor, who shall determine their rank. —

The Legislature shall, by standing Laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the Governor, the officers elected. —

The Major-Generals shall be appointed by the Senate and House of Representatives, each having a negative upon the other: and be commissioned by the Governor. —[31]

And if the electors of Brigadiers, Field Officers, Captains or Subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the Governor, with advice of Council, shall appoint suitable persons to fill such offices. —

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both Houses to the Governor, or by fair trial in court-martial pursuant to the laws of the Commonwealth for the time being. —][32]

The commanding officers of regiments shall appoint their adjutants and Quarter-Masters; the Brigadiers their Brigade-Majors; and the Major-Generals their aids; and the Governor shall appoint the Adjutant-General. —

The Governor, with the advice of Council, shall appoint all officers of the continental army, whom by the Confederation of the United States it is provided that this Commonwealth shall appoint, as also all officers of forts and garrisons. —

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law. —

XI. No monies shall be issued out of the treasury of this Commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of Credit or Treasurer's notes, or for the payment of interest

[29]For provision relative to the election of the attorney-general see Article XVII of the Amendments; as to election of sheriffs and registers of probate see Article XIX of the Amendments; for appointment of notaries public see Article IV of the Amendments.

[30]Age limitation stricken out by Article V of the Amendments.

[31]For provision relative to appointment of a commissary-general see Article IV of the Amendments.

[32]Superseded by Article IV of the Amendments.

arising thereon) but by warrant under the hand of the Governor for the time being, with the advice and Consent of the Council, for the necessary defence and support of the Commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts & resolves of the General Court.

XII. All public boards, the Commissary-General, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the Governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small Arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons: And the said commanding officer shall exhibit to the Governor, when required by him, true and exact plans of such forts, and of the land and sea or harbour or harbours adjacent. —

And the said boards, and all public officers, shall communicate to the Governor, as soon as may be after receiving the same, all letters, dispatches and intelligencies of a public nature, which shall be directed to them respectively. —

XIII. As the public good requires that the Governor should not be under the undue influence of any of the members of the General Court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns — and that he should maintain the dignity of the Commonwealth in the character of its cheif magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: And it shall be among the first acts of the General Court, after the Commencement of this Constitution, to establish such salary by law accordingly. —

Permanent and honorable salaries shall also be established by law for the Justices of the supreme judicial court. —

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time be enlarged as the General Court shall judge proper.

CHAPTER II.

Section II.

Lieutenant Governor.

I. There shall be annually elected a Lieutenant Governor of the Commonwealth of Massachusetts, whose title shall be, His Honor and who shall be qualified, in point of [religion, property,][33] and residence in the Commonwealth, in the same manner with the Governor: And the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a Governor. — The return of the votes for this officer, and the declaration of his election, shall be in the same manner: And if no one person shall be found to have a [majority] of all the votes returned, the vacancy shall be filled by the Senate and House of Representatives, in the same manner as the Governor is to be elected, in case no one person shall have a [majority] of the votes of the people to be Governor. —[34]

II. The Governor, and in his absence the Lieutenant Governor, shall be President of the Council, but shall have no vote in Council: and the Lieutenant Governor shall always be a member of the Council, except when the chair of the Governor shall be vacant. —

III. Whenever the chair of the Governor shall be vacant, by reason of his Death, or absence from the Commonwealth, or otherwise, the Lieutenant

[33] Provisions as to qualifications of the lieutenant-governor modified by Articles VII and XXXIV of the Amendments.

[34] Election by plurality substituted by Article XIV of the Amendments.

Governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the Governor, and shall have and exercise all the powers and authorities, which by this Constitution the Governor is vested with, when personally present. —

CHAPTER II.

Section III.

COUNCIL, AND THE MANNER OF SETTLING ELECTIONS BY THE LEGISLATURE.

I. There shall be a Council for advising the Governor in the executive part of government, to consist of [nine][35] persons besides the Lieutenant-Governor, whom the Governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together. And the Governor, with the said Counsellors, or five of them at least, shall and may, from time to time, hold and keep a Council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the Land. —

II. [Nine Counsellors shall be annually chosen from among the persons returned for Counsellors and Senators, on the last Wednesday in May, by the joint ballot of the Senators and Representatives assembled in one room: And in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the Council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of Senators left shall constitute the Senate for the year. The Seats of the persons thus elected from the Senate, and accepting the trust, shall be vacated in the Senate.—][36]

III. The Counsellors, in the civil arrangements of the Commonwealth, shall have rank next after the Lieutenant Governor —

IV. [Not more than two Counsellors shall be chosen out of any one district of this Commonwealth. —][37]

V. The resolutions and advice of the Council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either House of the Legislature; and any member of the Council may insert his opinion, contrary to the resolution of the majority. —

VI. Whenever the office of the Governor and Lieutenant Governor shall be vacant, by reason of death, absence, or otherwise, then the Council, or the major part of them, shall during such vacancy, have full power and authority to do, and execute, all and every such acts, matters and things, as the Governor or the Lieutenant Governor might or could, by virtue of this Constitution, do or execute, if they, or either of them, were personally present. —

VII. And whereas the elections appointed to be made by this Constitution, on the [last Wednesday in May] annually, by the two Houses of the Legislature, may not be compleated on that day, the said elections may be adjourned from day to day until the same shall be compleated. And the order of election shall be as follows: [The vacancies in the Senate, if any, shall first be filled up;] the Governor and Lieutenant Governor shall then be elected, provided there should be no choice of them by the people: And afterwards the two Houses shall proceed to the election of the Council. —[38]

CHAPTER II.

Section IV.

SECRETARY, TREASURER, COMMISSARY, &C.

I. [The Secretary, Treasurer and Receiver General, and the Commissary General, Notaries Public, and] Naval Officers, shall be chosen annually, by joint ballot of the Senators and Representatives in one Room. And that the citizens of this Commonwealth may be assured, from time to time, that the

[35] The number of councillors was reduced to eight by Article XVI of the Amendments.

[36] Modified by Articles X and XIII and superseded by Article XVI of the Amendments.

[37] Superseded by Article XVI of the Amendments.

[38] Superseded by Articles XVI and XXV of the Amendments.

monies remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as Treasurer and Receiver-General more than five years successively.—[39]

II. The records of the Commonwealth shall be kept in the office of the Secretary, who may appoint his Deputies, for whose conduct he shall be accountable, and he shall attend the Governor and Council, the Senate and House of Representatives, in person, or by his Deputies, as they shall respectively require.—

CHAPTER III.

JUDICIARY POWER.

I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this Constitution: Provided nevertheless, the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature.—

II. Each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the Justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.—

III. In order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of Justices of the Peace shall expire and become void, in the term of seven years from their respective dates; and upon the expiration of any commission, the same may, if necessary, be renewed, or another Person appointed, as shall most conduce to the well-being of the Commonwealth.—[40]

IV. The Judges of probate of Wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require. And the Legislature shall from time to time, hereafter appoint such times and places; until which appointments, the said Courts shall be holden at the times and places which the respective Judges shall direct.—

V. All causes of marriage, divorce, and alimony, and all appeals from the Judges of probate shall be heard and determined by the Governor and Council, until the Legislature shall, by law, make other provision.—

CHAPTER IV.

DELEGATES TO CONGRESS.

The Delegates of this Commonwealth to the Congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the Senate and House of Representatives, assembled together in one room: to serve in Congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the Hand of the Governor, and the great Seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.—

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &C.

Section I.

The University.

I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in

[39] For modifications of this Article relative to the election or appointment of public officers see Amendments, Articles XVII and IV.

[40] For provision relative to removal of justices of the peace see Amendments, Article XXXVII.

which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences, which qualified them for public employments, both in Church and State: And whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the christian religion, and the great benefit of this and the other United States of America — It is declared, That the President and Fellows of Harvard College, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy: And the same are hereby ratified and confirmed unto them, the said President and Fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever. —

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and Fellows of Harvard College, or to the said College, by some other discription, under several charters, successively: It is Declared: That all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the President and Fellows of Harvard-College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors. —

III. And whereas, by an Act of the General Court of the Colony of Massachusetts Bay, passed in the year one thousand six hundred & forty-two, the Governor and Deputy-Governor, for the time being, and all the magistrates of that jurisdiction, were, with the President, and a number of the clergy in the said act described, constituted the overseers of Harvard College: And it being necessary, in this new Constitution of Government to ascertain who shall be deemed successors to the said Governor, Deputy-Governor and magistrates: It is Declared, that the Governor, Lieutenant Governor, Council and Senate of this Commonwealth, are, and shall be deemed, their successors, who with the President of Harvard College, for the time being, together with the Ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said Act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the Overseers of Harvard College; Provided, that nothing herein shall be construed to prevent the Legislature of this Commonwealth from making such alterations in the government of the said University, as shall be conducive to its advantage, and the interest of the republic of Letters, in as full a manner as might have been done by the Legislature of the late Province of the Massachusetts Bay. —

CHAPTER V.

Section II.

The Encouragement of Literature &c.

Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of Legislatures and Magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns, to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, hon

esty and punctuality in their dealings; sincerity, good humour, and all social affections, and generous sentiments among the people.—[41]

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFCES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STILE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &C.

I. Any person chosen Governor, Lieutenant Governor, Counsellor, Senator, or Representative, and accepting the trust, [shall before he proceed to execute the duties of his place or Office, make and subscribe the following declaration, viz.—

I, A. B., do declare that I believe the christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the Constitution as one qualification for the office or place to which I am elected.—

And the Governor, Lieutenant Governor, and Counsellors, shall make and subscribe the said declaration, in the presence of the two Houses of Assembly; and the Senattors and Representatives, first elected under this Constitution, before the President and five of the Council of the former Constitution; and forever afterwards before the Governor and Council for the time being.—[42]

And every person chosen to either of the places or Offices aforesaid,] as also any person appointed or commissioned to any judicial, executive, military, or other offices, under the Government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, Viz.—

["I, A, B, do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever: And that I do renounce and abjure all allegiance, subjection and obedience to the King, Queen, or Government of Great Britain, (as the case may be) and every other foreign Power whatsoever: And that no foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, preeminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth, except the authority and power which is or may be vested by their constituents in the Congress of the United States: And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this Oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever.—So Help Me, God."][43]

"I, A, B, do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———— according to the best of my abilities and understanding, agreeably, to the rules and regulations of the Constitution, and the laws of this Commonwealth—So Help Me, God."

Provided always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oath [s,] he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words ["I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words]

[41]For additional provisions relative to public schools see Amendments, Article XVIII.

[42]Abolished by Article VII of the Amendments.

[43]Superseded by oath prescribed by Article VI of the Amendments.

"swear and," and [in each of them] the words "So help me God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."[44]

And the said oaths or affirmations shall be taken and subscribed by the Governor, Lieutenant-Governor, and Counsellors, before the President of the Senate, in the presence of the two Houses of Assembly; and by the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution; and forever afterwards before the Governor and Council for the time being: and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the Legislature. —

II. No Governor, Lieutenant Governor, or Judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this Constitution they are admitted to hold, saving that the Judges of the said court may hold the offices of Justices of the Peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State or Government or Power whatever. —[45]

No person shall be capable of holding or exercising at the same time, within this State more than one of the following offices, Viz. — Judge of Probate - Sheriff — Register of Probate — or Register of Deeds: And never more than any two offices which are to be held by appointment of the Governor, or the Governor and Council, or the Senate, or the House of Representatives, or by the election of the people of the State at large, or of the people of any county, military offices and the offices of Justices of the peace excepted, shall be held by one person. —

No person holding the office of Judge of the Supreme Judicial Court — Secretary — Attorney-General — Solicitor-General — Treasurer or Receiver General Judge of Probate — Commissary General — [President, Professor, or Instructor of Harvard College] — Sheriff — Clerk of the House of Representatives — Register of Probate — Register of Deeds — Clerk of the supreme judicial Court — Clerk of the Inferior Court of Common Pleas — or Officer of the Customs, including in this description Naval Officers — shall at the same time have a seat in the Senate or House of Representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their Seat in the Senate or House of Representatives; and the place so vacated shall be filled up. —[46]

And the same rule shall take place in case any Judge of the said Supreme Judicial Court, or Judge of Probate, shall accept a seat in Council; or any Counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the Legislature, or any office of trust or importance under the Government of this Commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III. [In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; And it shall be in the power of the Legislature from time to time to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.][47]

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the Governor and attested by the Secretary or his Deputy, and have the great seal of the Commonwealth affixed thereto. —

V. All writs issuing out of the Clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts: They shall be under the seal of the court from whence they issue: They shall bear test of

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[44] For affirmation by Quakers see Article VI of the Amendments.

[45] For provision prohibiting plurality of offices to certain officers see Article VIII of the Amendments.

[46] Officers of Harvard College excepted by Article XXVII of the Amendments: see also Article VIII of the Amendments.

[47] Property qualifications for office holding discontinued by Article XIII and XXXIV of Amendments.

the first Justice of the Court to which they shall be returnable, who is not a party, and be signed by the clerk of such court. —

VI. All the laws which have heretofore been adopted, used and approved in the Province, Colony, or State of Massachusetts Bay, and usually practiced on in the courts of law, shall still remain and be in full force, until altered or repealed by the Legislature; such parts only excepted as are repugnant to the rights and liberties contained in this Constitution. —

VII. The privilege and benefit of the writ of habeas-corpus shall be enjoyed in this Commonwealth in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a limited time not exceeding twelve months. —

VIII. The enacting stile, in making and passing all acts, statutes and laws, shall be — "Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same" —

IX. To the end there may be no failure of Justice, or danger arise to the Commonwealth from a change of the Form of Government — all officers, civil and military, holding commissions under the Government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this Constitution shall take effect, shall have, hold, use, exercise and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: And all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the General Court and the supreme and executive officers under this Constitution are designated and invested with their respective trusts, powers and authority. —

X. In order the more effectually to adhere to the principles of the Constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary — The General Court which shall be in the year of our Lord one Thousand Seven Hundred & ninety-five, shall issue precepts to the Selectmen of the several towns, and to the Assessors of the unincorporated plantations, directing them to convene the qualified voters, of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution, in order to amendments.

And if it shall appear by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favour of such revision or amendment, the General Court shall issue precepts, or direct them to be issued from the Secretary's Office to the several towns to elect delegates to meet in Convention for the purpose aforesaid. —

The said delegates to be chosen in the same manner and proportion as their Representatives in the second branch of the Legislature are by this Constitution to be chosen. —[48]

XI. This Form of Government shall be enrolled on parchment, and deposited in the Secretary's office, and be a part of the laws of the land — and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

The foregoing is the Constitution or Frame of Government for the Commonwealth of Massachusetts, as agreed upon by the Delegates of the People of the said Commonwealth, submitted to the Revision of their Constituents, and by them approved; as appeared by the Returns from the several Towns & Plantations received & examined in Convention, previous to its dissolution on the sixteenth Day of June A D one thousand seven hundred & eighty.

JAMES BOWDOIN,
President of ye Convention.

SAMUEL BARRETT, Secretary.

[48]See Article IX of Amendments.

ARTICLES OF AMENDMENT.[49]

Articles of Amendment of the Constitution submitted (by Delegates in Convention assembled November 15, 1820) to the people; and by them ratified and adopted, April 9, 1821. Certified by a Committee of the Convention May 24, 1821, and presented to the General Court May 30, 1821. —

ARTICLE 1. If any bill or resolve shall be objected to, and not approved by the Governor; and if the General Court shall adjourn within five days after the same shall have been laid before the Governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.[50]

ART. 2. The General Court shall have full power & authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges & immunities, not repugnant to the constitution as the General Court shall deem necessary or expedient for the regulation & government thereof & to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present & voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And Provided also, that all by-laws made by such municipal or city government shall be subject, at all times to be annulled by the General Court.

ART. 3. Every male citizen of twenty one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the Commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of Governor, Lieutenant Governor, Senators or Representatives, [and who shall have paid, by himself or his parent, master or guardian, any State or County tax, which shall, within two years next preceding such election, have been assessed upon him in any town or district of this Commonwealth; and also, every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of Governor, Lieutenant Governor, Senators and Representatives; and no other person shall be entitled to vote in such elections.[51]

ART. 4. Notaries Public shall be appointed by the Governor in the same manner as Judicial officers are appointed, & shall hold their offices during seven years, unless sooner removed by the Governor with the consent of the Council, [upon the address of both Houses of the Legislature].[52]

[In case the office of Secretary or Treasurer of the Commonwealth shall become vacant from any cause during the recess of the General Court, the Governor, with the advice and consent of the Council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the General Court.][53]

[49]The first nine article of amendment were drafted and proposed by a convention of delegates which met on November 15, 1820, and adjourned on January 3, 1821. This convention drafted fourteen propositions and submitted them to the voters on April 9, 1821, and each proposal was voted on separately. Of these 14 propositions, 9 were ratified by the people, and constitute Articles I to 9, inclusive, of the Amendments. On May 24, 1821, a committee of the convention assembled to count the votes and to ascertain which amendments had been adopted; on May 30 the result was presented to the general court, and on June 5, 1821, the governor declared the first nine amendments of the constitution adopted.

[50]See Const., Ch. I, Sec. I, Art. II.

[51]See Amendments, Articles XX, XXIII, annulled by Article XXVI, XXVIII, XXX XXXI, XXXII and XL.

[52]See Amendments, Article XXXVII.

[53]Superseded by Amendments, Article XVII.

Whenever the exigencies of the Commonwealth shall require the appoint ment of a Commissary General, he shall be nominated, appointed and com missioned in such manner as the Legislature may, by law, prescribe. —

All officers commissioned to command in the militia may be removed from office in such manner as the Legislature may, by law, prescribe. —

ART. 5. In the elections of Captains and Subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty one years, shall have a right to vote. —

ART. 6. Instead of the oath of allegiance prescribed by the constitution the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military under the government of this Com monwealth, before he shall enter on the duties of his office, to wit;

"I A. B. do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof So Help me, God."

Provided, that when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting instead thereof the word "affirm;" and omitting the words "So help me God," and subjoining instead thereof, the words "this I do under the pains and penalties of per jury." —[54]

ART. 7. No oath, declaration or subscription, excepting the oath pre scribed in the preceding article and the oath of office, shall be required of the Governor, Lieutenant Governor, Counsellors, Senators or Representatives to qualify them to perform the duties of their respective offices. —

ART. 8. No Judge of any Court of this Commonwealth (except the Court of Sessions) and no person holding any office under the authority of the United States (Postmasters excepted) shall, at the same time, hold the office of Governor, Lieutenant Governor, or Counsellor, or have a seat in the Senate or House of Representatives of this Commonwealth; and no Judge of any Court in this Commonwealth (except the Court of Sessions) nor the Attorney General, Solicitor General, County Attorney, Clerk of any Court, Sheriff, Treas urer and Receiver General, Register of Probate, nor Register of Deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust by any of the officers aforesaid shall be deemed and taken to be a resig nation of his said office; and Judges of the Courts of Common Pleas shall hold no other office under the government of this Commonwealth, the office of Justice of the Peace and militia offices excepted.

ART. 9. If at any time hereafter any specific and particular amendment or amendments to the Constitution be proposed in the General Court, and agreed to by a majority of the Senators and two thirds of the members of the House of Representatives present and voting thereon, such proposed amend ment or amendments shall be entered on the journals of the two Houses, with the yeas and nays taken thereon, and referred to the General Court then next to be chosen, and shall be published; and if, in the General Court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the Senators and two thirds of the members of the House of Representatives present and voting thereon; then it shall be the duty of the General Court to submit such proposed amendment or amendments to the people: and if they shall be approved and ratified by a majority of the quali fied voters voting thereon at meetings legally warned and holden for that purpose, they shall become part of the Constitution of this Commonwealth.

ISAAC PARKER,
President of the Convention.

Attest
BENJAMIN POLLARD,
Secretary.

[54] See Const., Ch. VI, Art. I.

Tenth Article of Amendment.

The political year shall begin on the First Wednesday of January instead of the last Wednesday of May, and the General Court shall assemble every year, on the said first Wednesday of January, and shall proceed at that Session to make all the elections, and do all the other acts which are by the Constitution required to be made and done at the Session which has heretofore commenced on the last Wednesday of May. And the General Court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the Governor. But nothing herein contained shall prevent the General Court from assembling at such other times as they shall judge necessary, or when called together by the Governor. The Governor, Lieutenant Governor and Counsellors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

[The meeting for the choice of Governor, Lieutenant Governor, Senators and Representatives shall be held on the second Monday of November in every year; but meetings may be adjourned if necessary, for the choice of Representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of Representatives, such meetings shall be held on the fourth Monday of the same month of November.][55]

All the other provisions of the Constitution, respecting the elections and proceedings of the members of the General Court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October next following the day when the same shall be duly ratified and adopted as an amendment of the Constitution:—and the Governor, Lieutenant Governor, Counsellors, Senators, Representatives and all other State Officers, who are annually chosen, and who shall be chosen for the current year when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer — And the first election of the Governor, Lieutenant Governor, Senators and Representatives to be had in virtue of this article shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation pursuant to the foregoing provision.

All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby wholly annulled.[56]

Eleventh Article of Amendment.

"Instead of the Third Article of the Bill of Rights, the following Modification and Amendment thereof is substituted.

As the public worship of God and instructions in piety, religion and morality, promote the happiness and prosperity of a people and the security of a Republican Government; — Therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses: And all persons belonging to any religious society shall be taken and held to be members, until they shall file with the Clerk of such Society, a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract, which may be thereafter made, or entered into by such society: And all religious sects and denominations demeaning

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[55] This clause was superseded by Amendments, Article XV.

[56] This amendment was proposed and adopted by the legislature of 1829-30, re-adopted by the legislature of 1830-31 and ratified at the election of May 11, 1831.

themselves peaceably and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."[57]

Twelfth Article of Amendment.

[In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality a census of the ratable polls, in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the Secretary's Office, in such manner as the Legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid, and each town or city having three hundred ratable polls at the last preceding decennial census of polls may elect one Representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one Representative more. Any town having less than three hundred ratable polls shall be represented thus: the whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred, and such town may elect one Representative as many years within ten years, as three hundred is contained in the product aforesaid. Any city or town having ratable polls enough to elect one or more Representatives, with any number of polls beyond the necessary number, may be represented as to that surplus number by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional Representative as many years within the ten years as four hundred and fifty is contained in the product aforesaid. Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts respectively called for that purpose, and held previous to the first day of July in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a Representative or Representatives, and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls. The Governor and Council shall ascertain and determine within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of Representatives, which each city, town and Representative District is entitled to elect, and the number of years within the period of ten years then next ensuing, that each city, town and Representative District may elect an additional Representative, and where any town has not a sufficient number of polls to elect a Representative each year then how many years within the ten years, such town may elect a Representative, and the same shall be done once in ten years thereafter by the Governor and Council, and the number of ratable polls in each decennial census of polls, shall determine the number of Representatives, which each city, town and Representative District may elect as aforesaid, and when the number of Representatives to be elected by each city, town or Representative District is ascertained and determined as aforesaid, the Governor shall cause the same to be published forthwith for the information of the people and that number shall remain fixed and unalterable for the period of ten years. All the provisions of the existing Constitution inconsistent with the provisions herein contained, are hereby wholly annulled.][58]

Thirteenth Article of Amendment.

A census of the inhabitants of each city and town, on the first day of

[57]Article XI was proposed and adopted by the legislature of 1832, re-adopted by the legislature of 1833 and ratified by the electors on November 11, 1833.

[58]Article XII was proposed and adopted by the legislature of 1835, re-adopted by the legislature of 1836 and ratified by the electors on November 14, 1836. It was superseded in 1840 by Article XIII, which was superseded in turn in 1857 by Article XXI of the Amendments.

May, shall be taken, and returned into the Secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, [and of every tenth year thereafter, which census shall determine the apportionment of Senators and Representatives for the term of ten years. The several Senatorial Districts now existing, shall be permanent. The Senate shall consist of forty members: and in the year one thousand eight hundred and forty, and every tenth year thereafter, the Governor and Council shall assign the number of Senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one Senator shall be assigned to each district. The members of the House of Representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one Representative; and two thousand four hundred inhabitants shall be the mean increasing number which shall entitle it to an additional Representative. Every town containing less than twelve hundred inhabitants, shall be entitled to elect a Representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one Representative for the year in which the valuation of estates within the Commonwealth, shall be settled. Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a Representative District, to continue for the term of ten years; and such district shall have all the rights in regard to representation, which would belong to a town containing the same number of inhabitants. The number of inhabitants which shall entitle a town to elect one Representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a Representative every year, is to be divided, shall be increased respectively, by one tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one tenth shall be made respectively to the said numbers above mentioned. In the year of each decennial census, the Governor and Council shall, before the first day of September, apportion the number of Representatives which each city, town, and Representative District is entitled to elect, and ascertain how many years within ten years, any town may elect a Representative, which is not entitled to elect one every year; and the Governor shall cause the same to be published forthwith. Nine counsellors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the Senators and Representatives assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the Council, by death, resignation or otherwise. No person shall be elected a counsellor, who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one counsellor shall be chosen from any one Senatorial District in the Commonwealth.[59] No possession of a freehold or of any other estate shall be required as a qualification for holding a seat in either branch of the General Court, or in the Executive Council.[60]

Fourteenth Article of Amendment.

In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.[61]

[59]The several foregoing provisions of this Article have been superseded by Amendments, Articles XVI, XXI and XXII.

[60]Article XIII was proposed and adopted by the legislature of 1839, re-adopted by the legislature of 1840 and was ratified by the electors on April 6, 1840.

[61]Articles XIV, XV, XVI, XVII, XVIII and XIX were proposed and adopted by the legislature of 1854, re-adopted by the legislature of 1855 and ratified by the electors on May 23, 1855.

Fifteenth Article of Amendment.

The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden for that purpose on the fourth Monday of the same month of November.

Sixteenth Article of Amendment.

Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor; provided, however, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of Councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened.][62] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Seventeenth Article of Amendment.

The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease in the mean time of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives in one

[62] For provisions relative to vacancies see Amendments, Article XXV.

room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant from any cause during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

Eighteenth Article of Amendment.

All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance exclusively of its own schools.[63]

Nineteenth Article of Amendment.

The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,][64] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Twentieth Article of Amendment.

No person shall have the right to vote, or be eligible to office under the Constitution of this Commonwealth, who shall not be able to read the Constitution in the English language, and write his name: provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.[65]

Twenty-first Article of Amendment.

A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the Secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census. The House of Representatives shall consist of two hundred and forty members, which shall be apportioned by the Legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally.

[63] See Const., Part First, Art. III.

[64] Annulled by Amendments, Article XXXVI.

[65] Articles XX, XXI and XXII were proposed and adopted by the legislature of 1856, readopted by the legislature of 1857 and ratified by the electors on May 4, 1857. For other provisions see Amendments, Article III and XXIII, the latter of which articles was annulled by Amendments, Article XXVI.

as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the Secretary of the Commonwealth, to certify, as soon as may be after it is determined by the Legislature, the number of representatives to which each county shall be entitled to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the Secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the House of Representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.][66]

Twenty-second Article of Amendment.

A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the Secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of Senators for the periods between the taking of the census. The Senate shall consist of forty members. The General Court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid:—provided, however, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one Senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. [Not less than sixteen Senators shall constitute a quorum

[66] Quorum re-defined by Amendments, Article XXXIII.

for doing business;] but a less number may [organize temporarily,] adjourn from day to day, and compel the attendance of absent members.[67]

Twenty-third Article of Amendment.

[No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the Constitution and Laws of this Commonwealth; provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.][68]

Twenty-fourth Article of Amendment.

Any vacancy in the Senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of Senators elected.[69]

Twenty-fifth Article of Amendment.

In case of a vacancy in the Council, from a failure of election or other cause, the Senate and House of Representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the Legislature is not in session, the Governor, with the advice and consent of the Council, may fill the same by appointment of some eligible person.

Twenty-sixth Article of Amendment.

The twenty-third article of the articles of amendment of the Constitution of this Commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States, for two years subsequent to his naturalization, and shall be otherwise qualified according to the Constitution and Laws of this Commonwealth; provided, that this Amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.[70]

Twenty-seventh Article of Amendment.

So much of article two of chapter six of the constitution of this Commonwealth as relates to persons holding the office of president, professor or instructor of Harvard College, is hereby annulled.[71]

Twenty-eighth Article of Amendment.

[No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.][72]

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[67]Quorum re-defined by Amendments, Article XXXIII. For provision relative to vacancies see Article XXIV of the Amendments.

[68]Article XXIII was proposed and adopted by the legislature of 1858, re-adopted by the legislature of 1859 and ratified by the electors on May 9, 1859. The entire Article was annulled by Amendments, Article XXVI.

[69]Articles XXIV and XXV were proposed and adopted by the legislature of 1859, re-adopted by the legislature of 1860 and ratified by the electors on May 7, 1860.

[70]Article XXVI was proposed and adopted by the legislature of 1862, re-adopted by the legislature of 1863 and ratified by the electors on April 6, 1863.

[71]Article XXVII was proposed and adopted by the legislature of 1876, re-adopted by the legislature of 1877 and ratified by the electors on November 6, 1877.

[72]Article XXVIII was proposed and adopted by the legislature of 1880, readopted by the legislature of 1881 and ratified by the electors on November 8, 1881. Superseded by Article XXXI.

TWENTY-NINTH ARTICLE OF AMENDMENT.

The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the Constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.[73]

THIRTIETH ARTICLE OF AMENDMENT.

No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.[74]

THIRTY-FIRST ARTICLE OF AMENDMENT.

Article twenty-eight of the Amendments of the Constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

THIRTY-SECOND ARTICLE OF AMENDMENT.

So much of article three of the amendments of the Constitution of the Commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.[75]

THIRTY-THIRD ARTICLE OF AMENDMENT.

A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

THIRTY-FOURTH ARTICLE OF AMENDMENT.

So much of article two of section one of chapter two of part the second of the Constitution of the Commonwealth as is contained in the following words: "and unless he shall at the same time be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds;" is hereby annulled.[76]

THIRTY-FIFTH ARTICLE OF AMENDMENT.

So much of article two of section three of chapter one of the Constitution of the Commonwealth as is contained in the following words: "The ex-

[73]Article XXIX was proposed and adopted by the legislature of 1884, re-adopted by the legislature of 1885 and ratified by the electors on November 3, 1885.

[74]Articles XXX and XXXI were proposed and adopted by the legislature of 1889, re-adopted by the legislature of 1890 and ratified by the electors on November 4, 1890.

[75]Articles XXXII and XXXIII were proposed and adopted by the legislature of 1890, re-adopted by the legislature of 1891 and ratified by the electors on November 8, 1892.

[76]Article XXXIV was proposed and adopted by the legislature of 1891, re-adopted by the legislature of 1892 and ratified by the electors on November 8, 1892.

penses of traveling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave," is hereby annulled.[77]

THIRTY-SIXTH ARTICLE OF AMENDMENT.

So much of article nineteen of the articles of amendment to the Constitution of the Commonwealth as is contained in the following words "commissioners of insolvency", is hereby annulled.[78]

THIRTY-SEVENTH ARTICLE OF AMENDMENT.

The governor, with the consent of the council, may remove Justices of the peace and notaries public.[79]

THIRTY-EIGHTH ARTICLE OF AMENDMENT.

Voting machines or other mechanical devices for voting may be used at all elections under such regulations as may be prescribed by law; provided, however, that the right of secret voting shall be preserved.[80]

THIRTY-NINTH ARTICLE OF AMENDMENT.

Article ten of part one of the Constitution is hereby amended by adding to it the following words: -The legislature may by special acts for the purpose of laying out, widening or relocating highways or streets, authorize the taking in fee by the commonwealth, or by a county, city or town, of more land and property than are needed for the actual construction of such highway or street; provided, however, that the land and property authorized to be taken are specified in the act and are no more in extent than would be sufficient for suitable building lots on both sides of such highway or street, and after so much of the land or property has been appropriated for such highway or street as is needed therefor, may authorize the sale of the remainder for value with or without suitable restrictions.[81]

FORTIETH ARTICLE OF AMENDMENT.

Article three of the amendments to the Constitution is hereby amended by inserting after the word "guardianship", in line two, the following:—and persons temporarily or permanently disqualified by law because of corrupt practices in respect to elections.[82]

FORTY-FIRST ARTICLE OF AMENDMENT.

Full power and authority are hereby given and granted to the general court to prescribe for wild or forest lands such methods of taxation as will develop and conserve the forest resources of the commonwealth.

FORTY-SECOND ARTICLE OF AMENDMENT.

Full power and authority are hereby given and granted to the general court to refer to the people for their rejection or approval at the polls any act or resolve of the general court or any part or parts thereof. Such reference shall be by a majority yea and nay vote of all members of each house present and voting. Any act, resolve, or part thereof so referred shall be voted on at the regular state election next ensuing after such reference, shall become law if approved by a majority of the voters voting thereon, and shall take

[77]Article XXXV was proposed and adopted by the legislature of 1892, re-adopted by the legislature of 1893 and ratified by the electors on November 7, 1893.

[78]Article XXXVI was proposed and adopted by the legislature of 1893, re-adopted by the legislature of 1894 and ratified by the electors on November 6, 1894.

[79]Article XXXVII was proposed and adopted by the legislature of 1906, re-adopted by the legislature of 1907 and ratified by the electors on November 5, 1907.

[80]Article XXXVIII was proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1910 and ratified by the electors on November 7, 1911.

[81]Article XXXIX was proposed and adopted by the legislature of 1910, re-adopted by the legislature of 1911 and ratified by the electors on November 7, 1911.

[82]Articles XL and XLI were proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1912 and ratified by the electors on November 5, 1912.

effect at the expiration of thirty days after the election at which it was approved or at such time after the expiration of the said thirty days as may be fixed in such act, resolve or part thereof.[83]

Forty-third Article of Amendment.

The general court shall have power to authorize the commonwealth to take land and to hold, improve, sub-divide, build upon and sell the same, for the purpose of relieving congestion of population and providing homes for citizens: provided, however, that this amendment shall not be deemed to authorize the sale of such land or buildings at less than the cost thereof.

Forty-fourth Article of Amendment.

Full power and authority are hereby given and granted to the general court to impose and levy a tax on income in the manner hereinafter provided: Such tax may be at different rates upon income derived from different classes of property, but shall be levied at a uniform rate throughout the commonwealth upon incomes derived from the same class of property. The general court may tax incomes not derived from property at a lower rate than incomes derived from property, and may grant reasonable exemptions and abatements. Any class of property the income from which is taxed under the provisions of this article may be exempted from the imposition and levying of proportional and reasonable assessments, rates and taxes as at present authorized by the constitution. This article shall not be construed to limit the power of the general court to impose and levy reasonable duties and excises.[84]

[83]Article XLII was proposed and adopted by the legislature of 1912, re-adopted by the legislature of 1913 and ratified by the electors on November 4, 1913.

[84]Articles XLIII and XLIV were proposed and adopted by the legislature of 1914, re-adopted by the legislature of 1915 and ratified by the electors on November 2, 1915.

CONSTITUTION OF MICHIGAN—1908.*

PREAMBLE.

We, the people of the state of Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessing undiminished to ourselves and our posterity, do ordain and establish this constitution.

ARTICLE I.

BOUNDARIES AND SEAT OF GOVERNMENT.

SECTION 1. The state of Michigan consists of and has jurisdiction over the territory embraced within the following boundaries, to wit: Commencing at a point on the eastern boundary line of the state of Indiana, where a direct line drawn from the southern extremity of Lake Michigan to the most northerly cape of Maumee Bay shall intersect the same—said point being the northwest point of the state of Ohio, as established by act of congress, entitled "An act to establish the northern boundary line of the state of Ohio, and to provide for the admission of the state of Michigan into the Union upon the conditions therein expressed," approved June fifteenth, eighteen hundred thirty-six; thence with the said boundary line of the state of Ohio, until it intersects the boundary line between the United States and Canada in Lake Erie; thence with the said boundary line between the United States and Canada through the Detroit river, Lake Huron and Lake Superior to a point where the said line last touches Lake Superior; thence in a direct line through Lake Superior to the mouth of the Montreal river; thence through the middle of the main channel of the westerly branch of the Montreal river to Island Lake, the head waters thereof; thence in a direct line to the center of the channel between Middle and South Islands in the Lake of the Desert; thence in a direct line to the southern shore of Lake Brule; thence along said southern shore and down the River Brule to the main channel of the Menominee river; thence down the center of the main channel of the same to the center of the most usual ship channel of the Green Bay of Lake Michigan; thence through the center of the most usual ship channel of the said bay to the middle of Lake Michigan; thence through the middle of Lake Michigan to the northern boundary of the state of Indiana, as that line was established by the act of congress of the nineteenth of April, eighteen hundred sixteen; thence due east with the north boundary line of the said state of Indiana to the northeast corner thereof; and thence south with the eastern boundary line of Indiana to the place of beginning.

SEC. 2. The seat of government shall be at Lansing, where it is now established.

ARTICLE II.

DECLARATION OF RIGHTS.

SECTION 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection.

SEC. 2. The people have the right peaceably to assemble, to consult for the common good, to instruct their representatives and to petition the legislature for redress of grievances.

SEC. 3. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any

* The convention which drafted the constitution of Michigan assembled at Lansing on October 22, 1907, and adjourned on March 3, 1908. The constitution was submitted to the people on November 3, 1908, and was adopted by a vote of 244,705 to 130,783. The constitution was submitted as a whole, and no proposition was submitted separately. The constitution became effective on January 1, 1909.

minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief.

SEC. 4. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of such right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

SEC. 5. Every person has a right to bear arms for the defense of himself and the state.

SEC. 6. The military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 7. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, except in a manner prescribed by law.

SEC. 8. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

SEC. 9. No bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.

SEC. 10. The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.

SEC. 11. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety may require it.

SEC. 12. Any suitor in any court of this state shall have the right to prosecute or defend his suit, either in his own proper person or by an attorney or agent of his choice.

SEC. 13. The right of trial by jury shall remain, but shall be deemed to be waived in all civil cases unless demanded by one of the parties in such manner as shall be prescribed by law.

SEC. 14. No person, after acquittal upon the merits, shall be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for murder and treason when the proof is evident or the presumption great.

SEC. 15. Excessive bail shall not be required; excessive fines shall not be imposed; cruel or unusual punishment shall not be inflicted; nor shall witnesses be unreasonably detained.

SEC. 16. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law.

SEC. 17. No person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief.

SEC. 18. In all prosecutions for libels the truth may be given in evidence to the jury; and, if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the accused shall be acquitted.

SEC. 19. In every criminal prosecution, the accused shall have the right to a speedy and public trial by an impartial jury, which may consist of less than twelve men in all courts not of record; to be informed of the nature of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to have the assistance of counsel for his defense; and in courts of record, when the trial court shall so order, to have such reasonable assistance as may be necessary to perfect and prosecute an appeal.

SEC. 20. No person shall be imprisoned for debt arising out of, or founded on a contract, express or implied, except in cases of fraud or breach of trust, or of moneys collected by public officers or in any professional employment. No person shall be imprisoned for a military fine in time of peace.

SEC. 21. Treason against the state shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless upon the testimony of two witnesses to the same overt act, or on confession in open court.

ARTICLE III.

ELECTIVE FRANCHISE.

SECTION 1. In all elections, every male inhabitant of this state, being a citizen of the United States; every male inhabitant residing in this state on the twenty-fourth day of June, eighteen hundred thirty-five; every male inhabitant residing in this state on the first day of January, eighteen hundred fifty; every male inhabitant of foreign birth who, having resided in the state two years and six months prior to the eighth day of November, eighteen hundred ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day; and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this state six months and in the township or ward in which he offers to vote twenty days next preceding such election: Provided, That no qualified elector in the actual military service of the United States or of this state, or in the army or navy thereof, in time of war, insurrection or rebellion, or any student while in attendance at any institution of learning, or any member of the legislature while in attendance at any session of the legislature, or commercial traveler, shall be deprived of his vote by reason of his absence from the township, ward or state in which he resides; and the Legislature shall provide by law the manner in which and the time and place at which such absent electors may vote, and for the canvass and return of their votes.[1]

SEC. 2. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States or of this state, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas, nor while a student at any institution of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; except that honorably discharged soldiers, seamen and marines who have served in the military or naval forces of the United States or of this state and who reside in soldiers' homes established by this state may acquire a residence where such home is located.

SEC. 3. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed in any military or naval place within the state.

SEC. 4. Whenever any question is submitted to a vote of the electors which involves the direct expenditure of public money or the issue of bonds, every woman having the qualifications of male electors who has property assessed

[1]Amendment proposed by the legislature of 1913 and ratified at the election of November 3, 1914. The text of the original section is as follows: Section 1. In all elections, every male inhabitant of this state, being a citizen of the United States; every male inhabitant residing in this state on the twenty-fourth day of June, eighteen hundred thirty-five; every male inhabitant residing in this state on the first day of January, eighteen hundred fifty; every male inhabitant of foreign birth who, having resided in the state two years and six months prior to the eighth day of November, eighteen hundred ninety-four, and having declared his intention to become a citizen of the United States two years and six months prior to said last named day; and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no one shall be an elector or entitled to vote at any election unless he shall be above the age of twenty-one years, and has resided in this state six months and in the township or ward in which he offers to vote twenty days next preceding such election: Provided, That in time of war, insurrection or rebellion no qualified elector in the actual military service of the United States or of this state, or in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or state in which he resides; and the legislature shall provide by law the manner in which and the time and place at which such absent electors may vote, and for the canvass and return of their votes.

for taxes in any part of the district or territory to be affected by the result of such election shall be entitled to vote thereon.

SEC. 5. Every elector in all cases, except for treason, felony or breach of the peace, shall be privileged from arrest during his attendance at elections and in going to and returning from the same.

SEC. 6. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or to attend court as a suitor or witness.

SEC. 7. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

SEC. 8. Laws shall be passed to preserve the purity of elections and guard against abuses of the elective franchise, and to provide for the recall of all elective officers, except judges of courts of record and courts of like jurisdiction upon petition of twenty-five per centum of the number of electors who voted at the preceding election for the office of governor in their respective electoral districts.[2]

ARTICLE IV.

DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government are divided into three departments: The legislative, executive and judicial.

SEC. 2. No person belonging to one department shall exercise the powers properly belonging to another, except in the cases expressly provided in this constitution.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the state of Michigan is vested in a senate and house of representatives; but the people reserve to themselves the power to propose legislative measures, resolutions and laws; to enact or reject the same at the polls independently of the legislature; and to approve or reject at the polls any act passed by the legislature, except acts making appropriations for state institutions and to meet deficiencies in state funds. The first power reserved by the people is the initiative. At least eight per cent of the legal voters of the state shall be required to propose any measure by petition: Provided, That no law shall be enacted by the initiative that could not under this constitution be enacted by the legislature. Initiative petitions shall set forth in full the proposed measure, and shall be filed with the secretary of state not less than ten days before the commencement of any session of the legislature. Every petition shall be certified to as herein provided as having been signed by qualified electors of the state equal in number to eight per cent of the total vote cast for all candidates for governor at the last preceding general election, at which a governor was elected. Upon receipt of any initiative petition, the secretary of state shall canvass the same to ascertain if such petition has been signed by the requisite number of qualified electors, and if the same has been so signed, the secretary of state shall transmit such petition to the legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected by the legislature without change or amendment within forty days from the time such petition is received by the legislature.

If any law proposed by such petition shall be enacted by the legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the legislature within said forty days, the secretary of state shall submit such proposed law to the people for approval or rejection at the next ensuing general election. The legis-

[2]Amendment proposed by the legislature of 1913 and ratified at the election of April 7, 1913. The text of the original section is as follows: Section 8. Laws *shall* be passed to preserve the purity of elections and guard against abuses of the elective franchise.

lature may reject any measure so proposed by initiative petition and propose a different measure upon the same subject by a yea and nay vote upon separate roll calls, and in such event both measures shall be submitted by the secretary of state to the electors for approval or rejection at the next ensuing general election. All said initiative petitions last above described shall have printed thereon in twelve-point black face type the following: "Initiative measure to be presented to the legislature."

The second power reserved to the people is the referendum. No act passed by the legislature shall go into effect until ninety days after the final adjournment of the session of the legislature which passed such act, except such acts making appropriations and such acts immediately necessary for the preservation of the public peace, health or safety, as have been given immediate effect by action of the legislature.

Upon presentation to the secretary of state within ninety days after the final adjournment of the legislature, of a petition certified to as herein provided, as having been signed by qualified electors equal in number to five per cent of the total vote cast for all candidates for governor at the last election at which a governor was elected, asking that any act, section or part of any act of the legislature, be submitted to the electors for approval or rejection, the secretary of state, after canvassing such petition as above required, and the same is found to be signed by the requisite number of electors, shall submit to the electors for approval or rejection such act or section or part of any act at the next succeeding general election; and no such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon.

Any act submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon at any election shall take effect ten days after the date of the official declaration of the vote by the secretary of state. No act initiated or adopted by the people, shall be subject to the veto power of the governor, and no act adopted by the people at the polls under the initiative provisions of this section shall be amended or repealed, except by a vote of the electors unless otherwise provided in said initiative measure, but the legislature may propose such amendments, alterations or repeals to the people. Acts adopted by the people under the referendum provision of this section may be amended by the legislature at any subsequent session thereof: Provided, however, If two or more measures approved by the electors at the same election conflict, the measure receiving the highest affirmative vote shall prevail. The text of all measures to be submitted shall be published as constitutional amendments are required by law to be published.

Any initiative or referendum petition may be presented in sections, each section containing a full and correct copy of the title and text of the proposed measure. Each signer thereto shall add to his signature, his place of residence, street and number in cities having street numbers, and his election precinct. Any qualified elector of the state shall be competent to solicit such signatures within the county in which he is an elector. Each section of the petition shall bear the name of the county or city in which it is circulated, and only qualified electors of such county or city shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence, that each signature to the section is the genuine signature of the person signing the same, and no other affidavit thereto shall be required. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors.

Each section of the petition shall be filed with the clerk of the county in which it was circulated, but all said sections circulated in any county shall be filed at the same time. Within twenty days after the filing of such petition in his office, the said clerk shall forward said petition to the secretary of state. Within forty days from the transmission of the said petition to the secretary of state, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the county

clerk, and such supplemental petition shall be forwarded to the secretary of state by said clerk within ten days after the filing of the same.[3]

SEC. 2. The senate shall consist of thirty-two members. Senators shall be elected for two years and by single districts. Such districts shall be numbered from one to thirty-two, inclusive, each of which shall choose one senator. No county shall be divided in the formation of senatorial districts, unless such county shall be equitably entitled to two or more senators.

SEC. 3. The house of representatives shall consist of not less than sixty-four nor more than one hundred members. Representatives shall be chosen for two years and by single districts, which shall contain as nearly as may be an equal number of inhabitants and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect by general ticket the number of representatives to which it is entitled. Each county, with such territory as may be attached thereto, shall be entitled to a separate representative when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as shall be prescribed by law, divide the same into representative districts equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the secretary of state and clerk of such county a description of such representative districts, specifying the number of each district and population thereof according to the last preceding enumeration.

SEC. 4. At the session in nineteen hundred thirteen, and each tenth year thereafter, the legislature shall by law rearrange the senatorial districts and apportion anew the representatives among the counties and districts according to the number of inhabitants, using as the basis for such apportionment the last preceding United States census of this state. Each apportionment so made and the division of any county into representative districts by its board of supervisors, made thereunder, shall not be altered until the tenth year thereafter.

SEC. 5. Each senator and representative shall be a citizen of the United States and a qualified elector of the district he represents, and his removal from the district shall be deemed a vacation of the office.

SEC. 6. No person holding any office under the United States or this state or any county office, except notaries public, officers of the militia and officers elected by townships, shall be eligible to or have a seat in either house of the legislature; and all votes given for any such person shall be void.

SEC. 7. No person elected a member of the legislature shall receive any civil appointment within this state or to the senate of the United States from the governor, except notaries public, or from the governor and senate, from the legislature, or any other state authority, during the term for which he is elected. All such appointments and all votes given for any person so elected for any such office or appointment shall be void. No member of the legislature shall be interested directly or indirectly in any contract with the state or any county thereof, authorized by any law passed during the time for which he is elected, nor for one year thereafter.

SEC. 8. Senators and representatives shall in all cases, except for treason, felony or breach of the peace, be privileged from arrest during sessions of the legislature and for fifteen days next before the commencement and after the termination thereof. They shall not be subject to any civil process during the same period. They shall not be questioned in any other place for any speech in either house.

SEC. 9. The compensation of the members of the legislature shall be eight hundred dollars for the regular session. When convened in extra session the

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[3]Amendment proposed by the legislature of 1913 and ratified at the election of April 7, 1913. The text of the original section is as follows: Section 1. The legislative power is vested in a senate and house of representatives.

compensation shall be five dollars per day for the first twenty days and nothing thereafter. Members shall be entitled to ten cents per mile and no more for one round trip to each regular and special session of the legislature by the usually traveled route. Each member shall be entitled to one copy of the laws, journals and documents of the legislature of which he is a member, but shall not receive, at the expense of the state, books, newspapers or perquisites of the office not expressly authorized by this constitution.

SEC. 10. The president of the senate and speaker of the house of representatives shall be entitled to the same compensation and mileage as members of the legislature and no more.

SEC. 11. In case of a contested election, compensation and mileage shall be paid only to the person declared to be entitled to a seat by the house in which the contest takes place.

SEC. 12. The election of senators and representatives, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November, nineteen hundred ten, and on the Tuesday succeeding the first Monday of November of every second year thereafter.

SEC. 13. The legislature shall meet at the seat of government on the first Wednesday in January, nineteen hundred nine, and on the first Wednesday in January in every second year thereafter, and at no other place or time unless as provided in this constitution; and shall adjourn without day, at such time as shall be determined by concurrent resolution, at twelve o'clock noon.

SEC. 14. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 15. Each house, except as otherwise provided in this constitution, shall choose its own officers and determine the rules of its proceedings, but shall not adopt any rule that will prevent a majority of the members elected from discharging a committee from the further consideration of any measure. Each house shall judge of the qualifications, elections and returns of its members, and may, with the concurrence of two-thirds of all the members elected, expel a member. The reasons for such expulsion shall be entered upon the journal, with the names of the members voting on the question. No member shall be expelled a second time for the same cause.

SEC. 16. Each house shall keep a journal of its proceedings and publish the same, except such parts as may require secrecy. The yeas and nays of the members of either house on any question shall be entered on the journal at the request of one-fifth of the members present. Any member of either house may dissent from and protest against any act, proceeding or resolution which he may deem injurious to any person or the public, and have the reason for his dissent entered on the journal.

SEC. 17. In all elections by either house or in joint convention the votes shall be given viva voce. All votes on nominations to the senate shall be taken by yeas and nays and published with the journal of its proceedings.

SEC. 18. The doors of each house shall be open unless the public welfare requires secrecy. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than where the legislature may then be in session.

SEC. 19. All legislation by the legislature shall be by bill and may originate in either house of the legislature.[4]

SEC. 20. The style of the laws shall be: "The People of the State of Michigan enact."

SEC. 21. No law shall embrace more than one object, which shall be expressed in its title. No law shall be revised, altered or amended by reference to its title only; but the act revised and the section or sections of the act altered or amended shall be re-enacted and published at length. No act shall

[4]Amendment proposed by the legislature of 1913 and ratified at the election of April 7, 1913. The text of the original section is as follows: Section 19. All legislation shall be by bill, and may originate in either house of the legislature.

take effect or be in force until the expiration of ninety days from the end of the session at which the same is passed, except that the legislature may give immediate effect to acts making appropriations and acts immediately necessary for the preservation of the public peace, health or safety by a two-thirds vote of the members elected to each house.

SEC. 22. No bill shall be passed or become a law at any regular session of the legislature until it has been printed and in the possession of each house for at least five days. No bill shall be passed at a special session of the legislature on any other subjects than those expressly stated in the governor's proclamation or submitted by special message. No bill shall be altered or amended on its passage through either house so as to change its original purpose.

SEC. 23. Every bill shall be read three times in each house before the final passage thereof. No bill shall become a law without the concurrence of a majority of all the members elected to each house. On the final passage of all bills, the vote shall be by yeas and nays and entered on the journal.

SEC. 24. The assent of two-thirds of the members elected to each house of the legislature shall be requisite to every bill appropriating the public money or property for local or private purposes.

SEC. 25. Fuel, stationery, blanks, printing and binding for the use of the state shall be furnished under contract or contracts with the lowest bidder or bidders who shall give adequate and satisfactory security for the performance thereof. The legislature shall prescribe by law the manner in which the state printing shall be executed and the accounts rendered therefor; and shall prohibit all charges for constructive labor. It shall not rescind nor alter such contract, nor release the person or persons taking the same or his or their sureties from the performance of any of the conditions of the contract. No member of the legislature nor officer of the state shall be interested directly or indirectly in any such contract.

SEC. 26. The legislature may authorize the employment of a chaplain for each of the state prisons; but no money shall be appropriated for the payment of any religious services in either house of the legislature.

SEC. 27. The legislature may authorize a trial by a jury of a less number than twelve men.

SEC. 28. The legislature may provide by law for indeterminate sentences so called, as a punishment for crime, on conviction thereof, and for the detention and release of persons imprisoned or detained on said sentences.

SEC. 29. The legislature shall have power to enact laws relative to the hours and conditions under which women and children may be employed.

SEC. 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act, excepting acts repealing local or special acts in effect January one, nineteen hundred nine and receiving a two-thirds vote of the legislature shall take effect until approved by a majority of the electors voting thereon in the district to be affected.[5]

SEC. 31. The legislature shall not authorize by private or special law the sale or conveyance of any real estate belonging to any person.

SEC. 32. Divorces shall not be granted by the legislature.

SEC. 33. The legislature shall not authorize any lottery nor permit the sale of lottery tickets.

SEC. 34. The legislature shall not audit nor allow any private claim or account.

SEC. 35. The legislature shall not establish a state paper.

SEC. 36. Every bill passed by the legislature shall be presented to the governor before it becomes a law. If he approve, he shall sign it; if not, he

[5]Amendment proposed by the legislature of 1915 and ratified at the election of November 7, 1916. The text of the original section is as follows: Section 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by a majority of the electors voting thereon in the district to be affected.

shall return it with his objections to the house in which it originated, which shall enter the objections at large upon its journal and reconsider it. On such reconsideration, if two-thirds of the members elected agree to pass the bill, it shall be sent with the objections to the other house, by which it shall be reconsidered. If approved by two-thirds of the members elected to that house, it shall become a law. In such case the vote of both houses shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered on the journals of each house, respectively. If any bill be not returned by the governor within ten days, Sundays excepted, after it has been presented to him, it shall become a law in like manner as if he had signed it, unless the legislature, by adjournment, prevents its return, in which case it shall not become a law. The governor may approve, sign and file in the office of the secretary of state within five days, Sundays excepted, after the adjournment of the legislature any bill passed during the last five days of the session, and the same shall become a law.

SEC. 37. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items; and the part or parts approved shall be the law; and the item or items disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

SEC. 38. Any bill passed by the legislature and approved by the governor, except appropriation bills, may be referred by the legislature to the qualified electors; and no bill so referred shall become a law unless approved by a majority of the electors voting thereon.

SEC. 39. All laws enacted at any session of the legislature shall be published in book form within sixty days after the final adjournment of the session, and shall be distributed in such manner as shall be provided by law. The speedy publication of such judicial decisions as may be deemed expedient shall also be provided for by law. All laws and judicial decisions shall be free for publication by any person.

SEC. 40. No general revision of the laws shall hereafter be made. Whenever necessary, the legislature shall by law provide for a compilation of the laws in force, arranged without alteration, under appropriate heads and titles. Such compilation shall be prepared under the direction of commissioners, appointed by the governor, who may recommend to the legislature the repeal of obsolete laws and shall examine the compilation and certify to its correctness. When so certified, the compilation shall be printed in such manner as shall be prescribed by law.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. There shall be elected at each general biennial election a governor, a lieutenant governor, a secretary of state, a state treasurer, a commissioner of the state land office, an auditor general and an attorney general, by law. The office of commissioner of the state land office may be abolished for the term of two years. They shall keep their offices at the seat of government, superintend them in person and perform such duties as may be prescribed by law.

SEC. 2. The chief executive power is vested in the governor.

SEC. 3. The governor shall take care that the laws be faithfully executed; shall transact all necessary business with the officers of government; and may require information in writing from all executive and administrative state officers, elective and appointive, upon any subject relating to the duties of their respective offices.

SEC. 4. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection and to repel invasion.

SEC. 5. He shall communicate by message to the legislature, and at the close of his official term to the incoming legislature, the condition of the state, and recommend such measures as he may deem expedient.

SEC. 6. He shall issue writs of election to fill such vacancies as occur in the senate or house of representatives.

SEC. 7. He may convene the legislature on extraordinary occasions.

SEC. 8. He may convene the legislature at some other place when the seat of government becomes dangerous from disease or a common enemy.

SEC. 9. He may grant reprieves, commutations and pardons after convictions for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to regulations provided by law relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case shall be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the legislature at each session information of each case of reprieve, commutation or pardon granted and the reasons therefor.

SEC. 10. Whenever a vacancy shall occur in any of the state offices, the governor shall fill the same by appointment, by and with the advice and consent of the senate, if in session.

SEC. 11. All official acts of the governor, except his approval of the laws, shall be authenticated by the great seal of the state, which shall be kept by the secretary of state.

SEC. 12. All commissions issued to persons holding office under the provisions of this constitution shall be in the name and by the authority of the people of the state of Michigan, sealed with the great seal of the state, signed by the governor and countersigned by the secretary of state.

SEC. 13. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years and who has not been five years a citizen of the United States and a resident of this state two years next preceding his election.

SEC. 14. No member of congress nor any person holding office under the United States or this state shall execute the office of governor, except as provided in this constitution.

SEC. 15. No person elected governor or lieutenant governor shall be eligible to any office or appointment from the legislature, or either house thereof, during the time for which he was elected. All votes for either of them for any such office shall be void.

SEC. 16. In case of the impeachment of the governor, his removal from office, death, inability, resignation or absence from the state, the powers and duties of the office shall devolve upon the lieutenant governor for the residue of the term or until the disability ceases. When the governor shall be out of the state at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the state.

SEC. 17. During a vacancy in the office of governor, if the lieutenant governor die, resign, or be impeached, displaced, be incapable of performing the duties of his office, or absent from the state, the secretary of state shall act as governor until the vacancy be filled or the disability cease.

SEC. 18. The lieutenant governor or secretary of state, while performing the duties of governor, shall receive the same compensation as the governor.

SEC. 19. The lieutenant governor shall be president of the senate, but shall have no vote.

SEC. 20. The secretary of state, state treasurer and commissioner of the state land office shall constitute a board of state auditors. They shall examine and adjust all claims against the state not otherwise provided for by general law. They shall constitute a board of state canvassers to determine the result of all elections for governor, lieutenant governor, state officers and such other officers as shall by law be referred to them. They shall act as a state board of escheats and a board of fund commissioners. They shall perform such other duties as may be prescribed by law. In case the office of commissioner of the state land office is abolished, another state officer shall be designated by law as a member of the several boards mentioned in this section.

SEC. 21. The governor and attorney general shall each receive an annual

salary of five thousand dollars. The secretary of state, state treasurer, commissioner of the state land office and auditor general shall each receive an annual salary of twenty-five hundred dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with the offices. It shall not be competent for the legislature to increase the salaries herein provided.

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power shall be vested in one supreme court, circuit courts, probate courts, justices of the peace and such other courts of civil and criminal jurisdiction, inferior to the supreme court, as the legislature may establish by general law, by a two-thirds vote of the members elected to each house.

THE SUPREME COURT.

SEC. 2. The supreme court shall consist of one chief justice and associate justices, to be chosen by the electors of the state at the regular biennial spring elections; and not more than two justices shall go out of office at the same time. The term of office shall be prescribed by law.

SEC. 3. Four terms of the supreme court shall be held annually at such times and places as may be designated by law.

SEC. 4. The supreme court shall have a general superintending control over all inferior courts; and shall have power to issue writs of error, habeas corpus, mandamus, quo warranto, procedendo and other original and remedial writs, and to hear and determine the same. In all other cases it shall have appellate jurisdiction only.

SEC. 5. The supreme court shall by general rules establish, modify and amend the practice in such court and in all other courts of record, and simplify the same. The legislature shall, as far as practicable, abolish distinctions between law and equity proceedings. The office of master in chancery is prohibited.

SEC. 6. The supreme court may appoint and remove its clerk, a reporter of its decisions and a court crier, each of whom shall perform such duties and receive such salary as shall be prescribed by law; and all fees, perquisites and income collected by the clerk shall be turned over by him to the state treasury and credited to the general fund. No justice of the supreme court shall exercise any other power of appointment to public office.

SEC. 7. Decisions of the supreme court, including all cases of mandamus, quo warranto and certiorari, shall be in writing, with a concise statement of the facts and reasons for the decisions; and shall be signed by the justices concurring therein. Any justice dissenting from a decision shall give the reasons for such dissent in writing under his signature. All such opinions shall be filed in the office of the clerk of the supreme court.

CIRCUIT COURTS.

SEC. 8. The state shall be divided into judicial circuits, in each of which there shall be elected one circuit judge. The legislature may provide by law for the election of more than one circuit judge in any judicial circuit. A circuit court shall be held at least four times in each year in every county organized for judicial purposes. Each circuit judge shall hold court in the county or counties within the circuit in which he is elected, and in other circuits as may be provided by law. The legislature may by law arrange the various circuits into judicial districts, and provide for the manner of holding courts therein. Circuits and districts may be created, altered or discontinued by law, but no such alteration or discontinuance shall have the effect to remove a judge from office.

SEC. 9. Circuit judges shall be elected on the first Monday in April, nineteen hundred eleven, and every sixth year thereafter. They shall hold office for a term of six years and until their successors are elected and qualified. They shall be ineligible to any other than a judicial office during the term for which they are elected and for one year thereafter.

SEC. 10. Circuit courts shall have original jurisdiction in all matters civil and criminal not excepted in this constitution and not prohibited by law, and appellate jurisdiction from all inferior courts and tribunals and a supervisory control of the same. They shall also have power to issue writs of habeas corpus, mandamus, injunction, quo warranto and certiorari and to hear and determine the same; and to issue such other writs as may be necessary to carry into effect their orders, judgments and decrees and give them general control over inferior courts and tribunals within their respective jurisdictions, and in all such other cases and matters as the supreme court shall by rule prescribe.

SEC. 11. The clerk of each county organized for judicial purposes shall be clerk of the circuit court for such county. The judges of the circuit courts may fill any vacancy in the offices of county clerk or prosecuting attorney within their respective jurisdictions, but shall not exercise any other power of appointment to public office.

SEC. 12. Each of the judges of the circuit courts shall receive a salary payable monthly. In addition to the salary paid from the state treasury, each circuit judge may receive from any county in which he regularly holds court such additional salary as may be determined from time to time by the board of supervisors of the county. In any county where such additional salary is granted it shall be paid at the same rate to all circuit judges regularly holding court therein.

PROBATE COURTS.

SEC. 13. In each county organized for judicial purposes, there shall be a probate court. The jurisdiction, powers and duties of such courts and of the judges thereof shall be prescribed by law, and they shall also have original jurisdiction in all cases of juvenile delinquents and dependents.

SEC. 14. Judges of probate shall be elected in the counties in which they reside, and shall hold office for four years and until their successors are elected and qualified. They shall be elected on the Tuesday succeeding the first Monday of November, nineteen hundred twelve, and every four years thereafter. The legislature may provide by law for the election of more than one judge of probate in counties with more than one hundred thousand inhabitants, and may provide for the election of such judges in such counties at alternate biennial elections.

JUSTICES OF THE PEACE.

SEC. 15. There shall be elected in each organized township not to exceed four justices of the peace, each of whom shall hold the office for four years and until his successor is elected and qualified. At the first election in any township they shall be classified as shall be prescribed by law. A justice elected to fill a vacancy shall hold the office for the residue of the unexpired term. The legislature may provide by law for justices in cities.

SEC. 16. In civil cases, justices of the peace shall have exclusive jurisdiction to the amount of one hundred dollars and concurrent jurisdiction to the amount of three hundred dollars, which may be increased to five hundred dollars, with such exceptions and restrictions as may be provided by law. They shall also have such criminal jurisdiction and perform such duties as shall be prescribed by law.

GENERAL PROVISIONS.

SEC. 17. The supreme court and the circuit and probate courts of each county shall be courts of record, and shall each have a common seal.

SEC. 18. Justices of the supreme court, circuit judges and justices of the peace shall be conservators of the peace within their respective jurisdictions.

SEC. 19. Whenever a judge shall remove beyond the limits of the jurisdiction for which he was elected, or a justice of the peace from the township in which he was elected, or by a change in the boundaries of such township shall be placed without the same, he shall be deemed to have vacated the office.

SEC. 20. When a vacancy occurs in the office of judge of any court of record, it shall be filled by appointment of the governor, and the person appointed shall hold the office until a successor is elected and qualified. When elected, such successor shall hold the office the residue of the unexpired term.

SEC. 21. The legislature may provide by law for the election of one or more persons in each organized county who may be vested with judicial powers not exceeding those of a judge of the circuit court at chambers.

SEC. 22. The style of all process shall be: "In the Name of the People of the State of Michigan."

ARTICLE VIII.

LOCAL GOVERNMENT.

COUNTIES.

SECTION 1. Each organized county shall be a body corporate, with such powers and immunities as shall be established by law. All suits and proceedings by or against a county shall be in the name thereof.

SEC. 2. No organized county shall be reduced by the organization of new counties to less than sixteen townships as surveyed by the United States, unless in pursuance of law a majority of electors voting on the question in each county to be affected thereby shall so decide. When any city has attained a population of one hundred thousand inhabitants, the legislature may organize it into a separate county without reference to geographical extent, if a majority of the electors of such city and of the remainder of the county in which such city may be situated voting on the question shall each determine in favor of organizing said city into a separate county.

SEC. 3. There shall be elected biennially in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be prescribed by law. The board of supervisors in any county may unite the offices of county clerk and register of deeds in one office or separate the same at pleasure.

SEC. 4. The sheriff, county clerk, county treasurer, judge of probate and register of deeds shall hold their offices at the county seat.

SEC. 5. The sheriff shall hold no other office, and shall be incapable of holding the office of sheriff longer than four in any period of six years. He may be required by law to renew his security from time to time, and, in default of giving such security, his office shall be deemed vacant. The county shall never be responsible for his acts.

SEC. 6. The legislature shall by general law provide for the appointment of a board of jury commissioners in each county; but such law shall not become operative in any county until a majority of the electors of the county voting thereon shall so decide.

SEC. 7. A board of supervisors, consisting of one from each organized township, shall be established in each county, with such powers as shall be prescribed by law. Cities shall have such representation in the boards of supervisors of the counties in which they are situated as may be provided by law.

SEC. 8. The legislature may by general law confer upon the boards of supervisors of the several counties such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

SEC. 9. The boards of supervisors shall have exclusive power to fix the salaries and compensation of all county officials not otherwise provided for by law. The boards of supervisors, or in counties having county auditors, such auditors, shall adjust all claims against their respective counties; appeals may be taken from such decisions of the board of supervisors or auditors to the circuit court in such manner as shall be prescribed by law.

SEC. 10. The board of supervisors of any county may in any one year levy a tax of one-tenth of one mill on the assessed valuation of said county for the construction or repair of public buildings or bridges, or may borrow an equal sum for such purposes; and, in any county where the assessed valuation is less than ten million dollars, the board may levy a tax or borrow for such purposes to the amount of one thousand dollars; but no greater sum shall be raised for such purposes in any county in any one year, unless submitted to the electors of the county and approved by a majority of those voting thereon.

SEC. 11. Any county in this state, either separately or in conjunction with other counties, may appropriate money for the construction and maintenance or assistance of public and charitable hospitals, sanatoria or other institutions for the treatment of persons suffering from contagious or infectious diseases. Each county may also maintain an infirmary for the care and support of its indigent poor and unfortunate, and all county poor houses shall hereafter be designated and maintained as county infirmaries.

SEC. 12. No county shall incur any indebtedness which shall increase its total debt beyond three per cent of its assessed valuation, except counties having an assessed valuation of five million dollars or less, which counties may increase their total debt to five per cent of their assessed valuation.[6]

SEC. 13. No county seat once established shall be removed until the place to which it is proposed to be removed shall be designated by two-thirds of the board of supervisors of the county, and a majority of the electors voting thereon shall have voted in favor of the proposed location, in such manner as shall be prescribed by law.

SEC. 14. No navigable stream of this state shall be either bridged or dammed without permission granted by the board of supervisors of the county under the provisions of law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and the municipalities therein. No such law shall preclude the state from improving the navigation of any such stream, nor prejudice the right of individuals to the free navigation thereof.

SEC. 15. The board of supervisors of each organized county may organize and consolidate townships under such restrictions and limitations as shall be prescribed by law.

TOWNSHIPS.

SEC. 16. Each organized township shall be a body corporate, with such powers and immunities as shall be prescribed by law. All suits and proceedings by or against a township shall be in the name thereof.

SEC. 17. The legislature may by general law confer upon organized townships such powers of a local, legislative and administrative character, not inconsistent with the provisions of this constitution, as it may deem proper.

SEC. 18. There shall be elected annually on the first Monday of April in each organized township, one supervisor, one township clerk, one commissioner of highways, one township treasurer, not to exceed four constables and one overseer of highways for each highway district, whose powers and duties shall be prescribed by law.

SEC. 19. No township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless such proposition shall have first received the affirmative vote of a majority of the electors of such township voting thereon at a regular or special election.

CITIES AND VILLAGES.

SEC. 20. The legislature shall provide by a general law for the incorporation of cities, and by a general law for the incorporation of villages; such general laws shall limit their rate of taxation for municipal purposes, and restrict their powers of borrowing money and contracting debts.

SEC. 21. Under such general laws, the electors of each city and village shall have power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or passed by the legislature for the government of the city or village and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state.[7]

[6]Amendment proposed by the legislature of 1909 and ratified at the election of November 8, 1910. The text of the original section is as follows: Section 12. No county shall incur any indebtedness which shall increase its total debt beyond three per cent of its assessed valuation.

[7]Amendment proposed by the legislature at the second extra session of 1911 and ratified at the election of November 5, 1912. The text of the original section is as follows: Section 21. Under such general laws, the electors of each city and

SEC. 22. Any city or village may acquire, own, establish and maintain, either within or without its corporate limits, parks, boulevards, cemeteries, hospitals, almshouses and all works which involve the public health or safety.

SEC. 23. Subject to the provisions of this constitution, any city or village may acquire, own and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation to the municipality and the inhabitants thereof; and may also sell and deliver water, heat, power and light without its corporate limits to an amount not to exceed twenty-five per cent of that furnished by it within the corporate limits; and may operate transportation lines without the municipality within such limits as may be prescribed by law: Provided, That the right to own or operate transportation facilities shall not extend to any city or village of less than twenty-five thousand inhabitants.

SEC. 24. When a city or village is authorized to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law: Provided, That such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such city or village, but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.

SEC. 25. No city or village shall have power to abridge the right of elective franchise, to loan its credit, nor to assess, levy or collect any tax or assessment for other than a public purpose. Nor shall any city or village acquire any public utility or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless such proposition shall have first received the affirmative vote of three-fifths of the electors of such city or village voting thereon at a regular or special municipal election; and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

GENERAL PROVISIONS.

SEC. 26. The legislature may by general law provide for the laying out, construction, improvement and maintenance of highways, bridges and culverts by counties, districts and townships; and may authorize counties or districts to take charge and control of any highways within their limits for such purposes. The legislature may also by general law prescribe the powers and duties of boards of supervisors in relation to highways, bridges and culverts; may provide for county and district road commissioners to be appointed or elected, with such powers and duties as may be prescribed by law; and may change and abolish the powers and duties of township commissioners and overseers of highways. The legislature may provide by law for submitting the question of adopting a county or district road system to the electors of the counties or proposed districts, and such road system shall not go into operation in any county or district until approved by a majority of the electors thereof voting on such question. The tax raised for road purposes shall not exceed in any one year three dollars upon each one thousand dollars of assessed valuation for the preceding year.

SEC. 27. The legislature shall not vacate nor alter any road laid out by commissioners of highways, or any street, alley or public ground in any city or village or in any recorded town plat.

SEC. 28. No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any city, village or township for wires, poles, pipes, tracks or conduits, without the consent of the duly constituted authorities of such city, village or township; nor to transact a local business therein without first ob-

village shall have power and authority to frame, adopt and amend its charter, and, through its regularly constituted authority, to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this state.

taining a franchise therefor from such city, village or township. The right of all cities, villages and townships to the reasonable control of their streets, alleys and public places is hereby reserved to such cities, villages and townships.

SEC. 29. No franchise or license shall be granted by any municipality of this state for a longer period than thirty years.

ARTICLE IX.

IMPEACHMENTS AND REMOVALS FROM OFFICE.

SECTION 1. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office, or for crimes or misdemeanors; but a majority of the members elected shall be necessary to direct an impeachment.

SEC. 2. When an impeachment is directed, the house of representatives shall elect from its own body three members, whose duty it shall be to prosecute such impeachment. No impeachment shall be tried until the final adjournment of the legislature, when the senate shall proceed to try the same.

SEC. 3. Every impeachment shall be tried by the senate. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside. When an impeachment is directed, the senate shall take an oath or affirmation truly and impartially to try and determine the same according to the evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. Judgment in case of impeachment shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law.

SEC. 4. No judicial officer shall exercise his office after an impeachment is directed until he is acquitted.

SEC. 5. The governor may make a provisional appointment to fill a vacancy occasioned by the suspension of an officer, until he shall be acquitted or until after the election and qualification of a successor.

SEC. 6. For reasonable cause, which shall not be sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to each house of the legislature; and the cause for which such removal is required shall be stated at length in such resolution.

SEC. 7. The governor shall have power and it shall be his duty, except at such time as the legislature may be in session, to examine into the condition and administration of any public office and the acts of any public officer, elective or appointive; to remove from office for gross neglect of duty or for corrupt conduct in office, or any other misfeasance or malfeasance therein, any elective or appointive state officer, except legislative or judicial, and report the causes of such removal to the legislature at its next session.

SEC. 8. Any officer elected by a county, city, village, township or school district may be removed from office in such manner and for such cause as shall be prescribed by law.

ARTICLE X.

FINANCE AND TAXATION.

SECTION 1. All subjects of taxation now contributing to the primary school interest fund under present laws shall continue to contribute to that fund, and all taxes from such subjects shall be first applied in paying the interest upon the primary school, university and other educational funds in the order herein named, after which the surplus of such moneys shall be added to and become a part of the primary school interest fund.

SEC. 2. The legislature shall provide by law for an annual tax sufficient with other resources to pay the estimated expenses of the state government, the interest on any state debt and such deficiency as may occur in the resources.

SEC. 3. The legislature shall provide by law a uniform rule of taxation, except on property paying specific taxes, and taxes shall be levied on such property as shall be prescribed by law: Provided, That the legislature shall

provide by law a uniform rule of taxation for such property as shall be assessed by a state board of assessors, and the rate of taxation on such property shall be the rate which the state board of assessors shall ascertain and determine is the average rate levied upon other property upon which ad valorem taxes are assessed for state, county, township, school and municipal purposes.

SEC. 4. The legislature may by law impose specific taxes, which shall be uniform upon the classes upon which they operate.

SEC. 5. The legislature may provide by law for the assessment at its true cash value by a state board of assessors, of which the governor shall be ex-officio a member, of the property of corporations and the property, by whomsoever owned, operated or conducted, engaged in the business of transporting passengers and freight, transporting property by express, operating any union station or depot, transmitting messages by telephone or telegraph, loaning cars, operating refrigerator cars, fast freight lines or other car lines and running or operating cars in any manner upon railroads, or engaged in any other public service business; and for the levy and collection of taxes thereon.

SEC. 6. Every law which imposes, continues or revives a tax shall distinctly state the tax, and the objects to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

SEC. 7. All assessments hereafter authorized shall be on property at its cash value.

SEC. 8. In the year nineteen hundred eleven, every fifth year thereafter and at such other times as the legislature may direct, the legislature shall provide by law for an equalization of assessments by a state board, on all taxable property, except that taxed under laws passed pursuant to sections four and five of this article.

SEC. 9. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any municipal corporation may be a party.

SEC. 10. The state may contract debts to meet deficits in revenue, but such debts shall not in the aggregate at any time exceed two hundred fifty thousand dollars. The state may also contract debts to repel invasion, suppress insurrection, defend the state or aid the United States in time of war. The money so raised shall be applied to the purposes for which it is raised or to the payment of the debts contracted.

SEC. 11. No scrip, certificate or other evidence of state indebtedness shall be issued, except for such debts as are expressly authorized in this constitution.

SEC. 12. The credit of the state shall not be granted to, nor in aid of any person, association or corporation, public or private.

SEC. 13. The state shall not subscribe to, nor be interested in the stock of any company, association or corporation.

SEC. 14. The state shall not be a party to, nor be interested in any work of internal improvement, nor engage in carrying on any such work, except in the improvement of, or aiding in the improvement of the public wagon roads, in the reforestation and protection of lands owned by the state and in the expenditure of grants to the state of land or other property.

SEC. 15. No state money shall be deposited in banks other than those organized under the national or state banking laws. No state money shall be deposited in any bank in excess of fifty per cent of the capital and surplus of such bank. Any bank receiving deposits of state money shall show the amount of state money so deposited as a separate item in all published statements.

SEC. 16. No money shall be paid out of the state treasury except in pursuance of appropriations made by law.

SEC. 17. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws passed at every regular session of the legislature.

SEC. 18. The legislature shall provide by law for the keeping of accounts by all state officials, boards and institutions, and by all county officials; and shall also provide for the supervision and audit thereof by competent state authority and for uniform reports of all public accounts to such authority.

Such systems of account shall provide for accurate records of all financial and other transactions and for checks upon all receipts and disbursements of all such officials, boards and institutions; and shall be uniform for all similar boards, institutions and county officials. All public accounts and the audit thereof shall be public records and open to inspection.

SEC. 19. No collector, holder or disburser of public moneys shall have a seat in the legislature, nor be eligible to any office of trust or profit under this state, until he shall have accounted for and paid over, as provided by law, all sums for which he may be liable.

ARTICLE XI.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. A superintendent of public instruction shall be elected at the regular election to be held on the first Monday in April, nineteen hundred nine and every second year thereafter. He shall hold office for a period of two years from the first day of July following his election and until his successor is elected and qualified. He shall have general supervision of public instruction in the state. He shall be a member and secretary of the state board of education. He shall be ex-officio a member of all other boards having control of public instruction in any state institution, with the right to speak but not to vote. His duties and compensation shall be prescribed by law.

SEC. 3. There shall be a board of regents of the university, consisting of eight members, who shall hold the office for eight years. There shall be elected at each regular biennial spring election two members of such board. When a vacancy shall occur in the office of regent it shall be filled by appointment of the governor.

SEC. 4. The regents of the university and their successors in office shall continue to constitute the body corporate known as "The Regents of the University of Michigan."

SEC. 5. The regents of the university shall, as often as necessary, elect a president of the university. The president of the university and the superintendent of public instruction shall be ex-officio members of the board of regents with the privilege of speaking but not of voting. The president shall preside at the meetings of the board and be the principal executive officer of the university. The board of regents shall have the general supervision of the university and the direction and control of all expenditures from the university funds.

SEC. 6. The state board of education shall consist of four members. On the first Monday in April, nineteen hundred nine, and at each succeeding biennial spring election, there shall be elected one member of such board who shall hold his office for six years from the first day of July following his election. The state board of education shall have general supervision of the state normal college and the state normal schools, and the duties of said board shall be prescribed by law.

SEC. 7. There shall be elected on the first Monday in April, nineteen hundred nine, a state board of agriculture to consist of six members, two of whom shall hold the office for two years, two for four years and two for six years. At every regular biennial spring election thereafter, there shall be elected two members whose term of office shall be six years. The members thus elected and their successors in office shall be a body corporate to be known as "The State Board of Agriculture."

SEC. 8. The state board of agriculture shall, as often as necessary, elect a president of the agricultural college, who shall be ex-officio a member of the board with the privilege of speaking but not of voting. He shall preside at the meetings of the board and be the principal executive officer of the college. The board shall have the general supervision of the college, and the direction and control of all agricultural college funds; and shall perform such other duties as may be prescribed by law.

SEC. 9. The legislature shall continue a system of primary schools, whereby every school district in the state shall provide for the education of its pupils without charge for tuition; and all instruction in such schools shall be conducted in the English language. If any school district shall neglect to maintain a school within its borders as prescribed by law for at least five months in each year, or to provide for the education of its pupils in another district or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund. If any school district shall, on the second Monday in July of any year, have on hand a sufficient amount of money in the primary school interest fund to pay its teachers for the next ensuing two years as determined from the pay roll of said district for the last school year, and in case of a primary district, all tuition for the next ensuing two years, based upon the then enrollment in the seventh and eighth grades in said school district, the children in said district shall not be counted in making the next apportionment of primary school money by the superintendent of public instruction; nor shall such children be counted in making such apportionment until the amount of money in the primary school interest fund in said district shall be insufficient to pay teachers' wages or tuition as herein set forth for the next ensuing two years.[8]

SEC. 10. The legislature shall maintain the university, the college of mines, the state agricultural college, the state normal college and such state normal schools and other educational institutions as may be established by law.

SEC. 11. The proceeds from the sales of all lands that have been or hereafter may be granted by the United States to the state for educational purposes and the proceeds of all lands or other property given by individuals or appropriated by the state for like purposes shall be and remain a perpetual fund, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and annually applied to the specific objects of the original gift, grant or appropriation.

SEC. 12. All lands, the titles to which shall fail from a defect of heirs, shall escheat to the state, and the interest on the clear proceeds from the sales thereof shall be appropriated exclusively to the support of the primary schools.

SEC. 13. The legislature shall appropriate all salt spring lands now unappropriated, or the money arising from the sale of the same, where such lands have already been sold, and any funds or lands which may hereafter be granted or appropriated for such purpose, for the support and maintenance of the agricultural college.

SEC. 14. The legislature shall provide by law for the establishment of at least one library in each township and city; and all fines assessed and collected in the several counties, cities and townships for any breach of the penal laws shall be exclusively applied to the support of such libraries.

SEC. 15. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, feeble minded or insane shall always be fostered and supported.

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws; but shall not be created, nor shall any rights, privileges or franchises be conferred upon them, by special act of the legislature. All laws heretofore or hereafter passed by the legislature for the formation of, or conferring rights, privileges or franchises upon corporations and all rights, privileges or franchises conferred by such laws may be amended, altered, repealed or abrogated.

[8]Amendment proposed by the legislature of 1911 and ratified at the election of April 3, 1911. The text of the original section is as follows: Section 9. The legislature shall continue a system of primary schools, whereby every school district in the state shall provide for the education of its pupils without charge for tuition; and all instruction in such schools shall be conducted in the English language. If any school district shall neglect to maintain a school within its borders as prescribed by law for at least five months in each year, or to provide for the education of its pupils in another district or districts for an equal period, it shall be deprived for the ensuing year of its proportion of the primary school interest fund.

SEC. 2. The term "corporation" as used in this article shall be construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and be subject to be sued in all courts in like cases as natural persons.

SEC. 3. No corporation shall be created for a longer period than thirty years, except for municipal, railroad, insurance, canal or cemetery purposes, or corporations organized without any capital stock for religious, benevolent, social or fraternal purposes; but the legislature may provide by general laws, applicable to any corporations, for one or more extensions of the term of such corporations, while such term is running, not exceeding thirty years for each extension, on the consent of not less than two-thirds of the capital stock of the corporation; and by like general laws for the corporate reorganization for a further period, not exceeding thirty years, of such corporations whose terms have expired by limitation, on the consent of not less than four-fifths of the capital stock.

SEC. 4. The stockholders of every corporation and joint stock association shall be individually liable for all labor performed for such corporation or association.

SEC. 5. No corporation shall hold any real estate for a longer period than ten years, except such real estate as shall be actually occupied by such corporation in the exercise of its franchises.

SEC. 6. The legislature shall pass no law renewing or extending any special act of incorporation heretofore granted.

SEC. 7. The legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this state, and may pass laws establishing reasonable maximum rates of charges for the transportation of property by express companies in this state, and may delegate such power to fix reasonable maximum rates of charges for the transportation of freight by railroad companies and for the transportation of property by express companies to a commission created by law; and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

SEC. 8. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon at least sixty days' public notice to all stockholders in such manner as shall be provided by law.

SEC. 9. No general law providing for the incorporation of trust companies or corporations for banking purposes, or regulating the business thereof, shall be adopted, amended or repealed except by a vote of two-thirds of the members elected to each house of the legislature. Such laws shall not authorize the issue of bank notes or paper credit to circulate as money.

ARTICLE XIII.

EMINENT DOMAIN.

SECTION 1. Private property shall not be taken by the public nor by any corporation for public use, without the necessity therefor being first determined and just compensation therefor being first made or secured in such manner as shall be prescribed by law.

SEC. 2. When private property is taken for the use or benefit of the public the necessity for using such property and the just compensation to be made therefor, except when to be made by the state, shall be ascertained by a jury of twelve freeholders residing in the vicinity of such property, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law: Provided, That the foregoing provision shall not be construed to apply to the action of commissioners of highways or road commissioners in the official discharge of their duties.

SEC. 3. Private roads may be opened in the manner prescribed by law; but in every case the necessity for the road and the amount of all damages to be sustained by the opening thereof shall be first determined by a jury of six freeholders or by not less than three commissioners, and such amount, together with the expense of proceedings, shall be paid by the person or persons to be benefited.

SEC. 4. The regents of the university of Michigan shall have power to take private property for the use of the university, in the manner prescribed by law.

ARTICLE XIV.

EXEMPTIONS.

SECTION 1. The personal property of every resident of this state, to consist of such property only as shall be designated by law, shall be exempted to the amount of not less than five hundred dollars from sale on execution or other final process of any court.

SEC. 2. Every homestead of not exceeding forty acres of land and the dwelling house thereon and the appurtenances to be selected by the owner thereof and not included in any town plat, city or village; or instead thereof, at the option of the owner, any lot in any city, village or recorded town plat, or such parts of lots as shall be equal thereto, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of the state, not exceeding in value fifteen hundred dollars, shall be exempt from forced sale on execution or any other final process from a court. Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of his wife to the same.

SEC. 3. The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of his debts in all cases during the minority of his children.

SEC. 4. If the owner of a homestead die, leaving a widow but no children, such homestead shall be exempt, and the rents and profits thereof shall accrue to her benefit during the time of her widowhood, unless she be the owner of a homestead in her own right.

ARTICLE XV.

MILITIA.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or of this state; but all such citizens of any religious denomination, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature shall provide by law for organizing, equipping and disciplining the militia in such manner as it shall deem expedient, not incompatible with the laws of the United States.

SEC. 3. Officers of the militia shall be elected or appointed and be commissioned in such manner as may be prescribed by law.

ARTICLE XVI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The terms of office of all elective state officers and of all judges of courts of record shall begin on the first day of January next succeeding their election, except as otherwise prescribed in this constitution. The terms of office of all county officers shall begin on the first day of January next succeeding their election, except as otherwise prescribed by law.

SEC. 2. Members of the legislature and all officers, executive and judicial, except such officers as may by law be exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution

of the United States and the constitution of this state, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability." No other oath, declaration or test shall be required as a qualification for any office or public trust.

SEC. 3. Neither the legislature nor any municipal authority shall grant or authorize extra compensation to any public officer, agent, employee or contractor after the service has been rendered or the contract entered into. Salaries of public officers, except circuit judges, shall not be increased, nor shall the salary of any public officer be decreased, after election or appointment.

SEC. 4. In case two or more persons have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the legislature in joint convention shall choose one of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected.

SEC. 5. The legislature may provide by law the cases in which any office shall be deemed vacant and the manner of filling vacancies, where no provision is made in this constitution.

SEC. 6. The laws, public records and the written judicial and legislative proceedings of the state shall be conducted, promulgated and preserved in the English language.

SEC. 7. The legislature may establish courts of conciliation with such powers and duties as shall be prescribed by law.

SEC. 8. The real and personal estate of every woman, acquired before marriage, and all property to which she may afterwards become entitled by gift, grant, inheritance or devise shall be and remain the estate and property of such woman, and shall not be liable for the debts, obligations or engagements of her husband, and may be devised or bequeathed by her as if she were unmarried.

SEC. 9. Aliens, who are or who may hereafter become bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

SEC. 10. No lease or grant of agricultural land for agricultural purposes for a longer period than twelve years, reserving any rent or service of any kind, shall be valid.

SEC. 11. The manufacture, sale, keeping for sale, giving away, bartering or furnishing of any vinous, malt, brewed, fermented, spirituous or intoxicating liquors, except for medicinal, mechanical, chemical, scientific or sacramental purposes shall be after April 30, 1918, prohibited in the state forever. The legislature shall by law provide regulations for the sale of such liquors for medicinal, mechanical, chemical, scientific and sacramental purposes.[9]

ARTICLE XVII.

AMENDMENT AND REVISION.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or house of representatives. If the same shall be agreed to by two-thirds of the members elected to each house, such amendment or amendments shall be entered on the journals, respectively, with the yeas and nays taken thereon; and the same shall be submitted to the electors at the next spring or autumn election thereafter, as the legislature shall direct; and, if a majority of electors qualified to vote for members of the legislature voting thereon shall ratify and approve such amendment or amendments the same shall become part of the constitution.

SEC. 2. Amendments may also be proposed to this constitution by petition of the qualified voters of this state. Every such petition shall include the full text of the amendment so proposed and be signed by not less than ten per cent of the legal voters of the state. Initiative petitions proposing an amendment to this constitution shall be filed with the secretary of state at least four months before the election at which such proposed amendment is to be voted upon. Upon receipt of such petition by the secretary of state, he shall canvass the same to ascertain if such petition has been signed by the requisite number of qualified

[9]Amendment proposed by the initiative and ratified on November 7, 1916.

electors, and if the same has been so signed, the proposed amendment shall be submitted to the electors at the next regular election at which any state officer is to be elected. Any constitutional amendment initiated by the people as herein provided, shall take effect and become a part of the constitution if the same shall be approved by a majority of the electors voting thereon and not otherwise. Every amendment shall take effect thirty days after the election at which it is approved. The total number of votes cast for governor at the regular election last preceding the filing of any petition proposing an amendment to the constitution, shall be the basis upon which the number of legal voters necessary to sign such a petition shall be computed. The secretary of state shall submit all proposed amendments to the constitution initiated by the people for adoption or rejection in compliance herewith. The petition shall consist of sheets in such form and having printed or written at the top thereof such heading as shall be designated or prescribed by the secretary of state. Such petition shall be signed by qualified voters in person only, with the residence address of such persons and the date of signing the same. To each of said petitions, which may consist of one or more sheets, shall be attached the affidavit of the elector circulating the same, stating that each signature thereto is the genuine signature of the person signing the same, and that to the best knowledge and belief of the affiant each person signing the petition was at the time of signing a qualified elector. Such petition so verified shall be prima facie evidence that the signatures thereon are genuine, and that the persons signing the same are qualified electors. The text of all amendments to be submitted shall be published as constitutional amendments are now required to be published.[10]

SEC. 3. All proposed amendments to the constitution submitted to the electors shall be published in full, with any existing provisions of the constitution which would be altered or abrogated thereby, and a copy thereof shall be posted at each registration and election place. Proposed amendments shall also be printed in full on a ballot or ballots separate from the ballot containing the names of nominees for public office.

[10]Amendment proposed by the legislature of 1913 and ratified at the election of April 7, 1913. The text of the original section is as follows: Section 2. Amendments may also be proposed to this constitution by petition of the qualified electors of this state, but no proposed amendment shall be submitted to the electors unless the number of petitioners therefor shall exceed twenty per cent of the total number of electors voting for secretary of state at the preceding election of such officer. All petitions shall contain the full text of any proposed amendment, together with any existing provisions of the constitution which would be altered or abrogated thereby. Such petitions shall be signed at the regular registration or election places at a regular registration or election under the supervision of the officials thereof, who shall verify the genuineness of the signatures and certify the fact that the signers are registered electors of the respective townships and cities in which they reside, and shall forthwith forward the petitions to the secretary of state. All petitions for amendments filed with the secretary of state shall be certified by that officer to the legislature at the opening of its next regular session; and, when such petitions for any one proposed amendment shall be signed by not less than the required number of petitioners, he shall also submit the proposed amendment to the electors at the first regular election thereafter, unless the legislature in joint convention shall disapprove of the proposed amendment by a majority vote of the members elected. The legislature may, by a like vote, submit an alternative or a substitute proposal on the same subject. The action of the legislature shall be entered on the journal of each house, with the yeas and nays taken thereon. But no amendment to this section may be proposed in the manner herein prescribed.

If a majority of the electors qualified to vote for members of the legislature voting thereon, shall ratify and approve any such amendment or amendments, the same shall become a part of the constitution: Provided, That for any amendment proposed under this section, the affirmative vote shall be not less than one-third of the highest number of votes cast at the said election for any office. In case alternative proposed amendments on the same subject are submitted at the same election, the vote shall be for one of such alternatives or against such proposed amendments as a whole. If the affirmative vote for one proposed amendment is the required majority of all the votes cast for and against such proposed amendments, it shall become a part of the constitution. If the total affirmative vote for such alternative proposed amendments is the required majority of all the votes for and against them, but no one proposed amendment receives such majority, then the proposed amendment which receives the largest number of affirmative votes shall be submitted at the next regular election, and if it then receives the required majority of all the votes cast thereon it shall become a part of the constitution. The legislature shall enact appropriate laws to carry out the provisions of this section.

SEC. 4. At the general election to be held in the year nineteen hundre twenty-six, in each sixteenth year thereafter and at such other times as ma be provided by law, the question of a general revision of the constitution sha be submitted to the electors qualified to vote for members of the legislature In case a majority of such electors voting at such election shall decide in favo of a convention for such purpose, at the next biennial spring election the elector of each senatorial district of the state as then organized shall elect three dele gates. The delegates so elected shall convene at the state capitol on the firs Tuesday in September next succeeding such election, and shall continue thei sessions until the business of the convention shall be completed. A majorit of the delegates elected shall constitute a quorum for the transaction of bus ness. The convention shall choose its own officers, determine the rules of i proceedings and judge of the qualifications, elections and returns of its mem bers. In case of a vacancy by death, resignation or otherwise, of any delegat such vacancy shall be filled by appointment by the governor of a qualified res dent of the same district. The convention shall have power to appoint suc officers, employees and assistants as it may deem necessary and to fix the compensation, and to provide for the printing and distribution of its document journals and proceedings. Each delegate shall receive for his services the su of one thousand dollars and the same mileage as shall then be payable members of the legislature, but such compensation may be increased by law. N proposed constitution or amendment adopted by such convention shall be su mitted to the electors for approval as hereinafter provided unless by the asse of a majority of all the delegates elected to the convention, the yeas and na being entered on the journal. Any proposed constitution or amendmen adopted by such convention shall be submitted to the qualified electors in t manner provided by such convention on the first Monday in April following t final adjournment of the convention; but, in case an interval of at least nine days shall not intervene between such final adjournment and the date of su election, then it shall be submitted at the next general election. Upon the a proval of such constitution or amendments by a majority of the qualified ele ors voting thereon such constitution or amendments shall take effect on t first day of January following the approval thereof.

SCHEDULE.

That no inconvenience may arise from the changes in the constitution this state, and in order to carry the same into complete operation, it is here declared that:

SECTION 1. The common law and the statute laws now in force, not repu nant to this constitution, shall remain in force until they expire by their o limitations, or are altered or repealed.

SEC. 2. All writs, actions, causes of action, prosecutions and rights of in viduals, and of bodies corporate, and of the state, and all charters of incor ration which shall not have been heretofore forfeited or become subject to f feiture shall continue; and all complaints, informations or indictments wh shall have been made, filed or found or which may hereafter be made, filed found for any crime or offense committed before the adoption of this consti tion, may be proceeded upon as if no change had taken place. The seve courts shall continue with the same powers and jurisdiction, both at law a in equity, as heretofore, until otherwise provided by law.

SEC. 3. All fines, taxes, penalties, forfeitures and escheats, accruing to state or any municipal corporation under the existing constitution and la shall accrue to the use of the state or such municipal corporation under t constitution.

SEC. 4. All recognizances, bonds, obligations and all other instrume entered into or executed before the adoption of this constitution to the peo of this state, or to any municipal corporation, or to any public officer or pub body, or which may be entered into or executed under existing laws to people of this state or to any such officer or public body shall remain bind and valid, and rights and liabilities upon the same shall continue and may

prosecuted as provided by law. And all crimes and misdemeanors and penal actions shall be prosecuted, tried and punished as though no change had taken place, until otherwise provided by law.

SEC. 5. All officers, civil and military, now holding any office or appointment, shall continue to hold their respective offices, unless removed by competent authority, until superseded under the laws now in force or under this constitution.

SEC. 6. All officers elected under the existing constitution and laws on the Tuesday after the first Monday of November, nineteen hundred eight, shall take office on and after the first day of January, nineteen hundred nine, under this constitution.

SEC. 7. Until otherwise provided, the salaries or compensation of all public officers shall continue as provided under the existing constitution and laws.

SEC. 8. The attorney general of the state shall prepare and report to the legislature at the commencement of the next session such changes in existing laws as may be deemed necessary to adapt the same to this constitution.

SEC. 9. Any territory attached or that may be attached to any county for judicial purposes, if not otherwise represented, shall be considered as forming a part of such county, so far as regards elections for the purpose of representation.

SEC. 10. This constitution shall be submitted to the people for their adoption or rejection at the general election to be held on the Tuesday after the first Monday of November, nineteen hundred eight. It shall be the duty of the secretary of state to forthwith give notice of such submission to the sheriffs of the several counties, and it shall also be the duty of the secretary of state and all other officers required to give or publish any notice in regard to said election, to give notice as provided by law in case of an election for governor, that this constitution will be duly submitted to the electors at said election.

SEC. 11. Every person entitled to vote for members of the legislature under the existing constitution and laws may vote on said adoption or rejection, and the board of election commissioners in each county shall cause to be printed on a ballot separate from the ballot containing the names of the nominees for office the words "Adoption of the Revised Constitution [ ] Yes." "Adoption of the Revised Constitution [ ] No." All votes cast at said election shall be taken, counted, canvassed and returned as provided by law for the election of state officers. Should the revised constitution so submitted receive more votes in its favor than shall be cast against it, it shall be the supreme law of the state on and after the first day of January, nineteen hundred nine, except as herein otherwise provided; otherwise it shall be rejected.

Adopted by the constitutional convention of nineteen hundred seven at the capitol at Lansing on the twenty-first day of February, nineteen hundred eight.

PAUL H. KING, *Secretary.* JOHN J. CARTON, *President.*

CONSTITUTION OF MINNESOTA—1857.

PREAMBLE.

We, the people of the State of Minnesota, grateful to God for our civi and religious liberty, and desiring to perpetuate its blessings and secure th same to ourselves and our posterity, do ordain and establish this constitution

ARTICLE I.

BILL OF RIGHTS.

SECTION. 1. Government is instituted for the security, benefit and pro tection of the people, in whom all political power is inherent, together wit the right to alter, modify or reform such government, whenever the publi good may require it.

SEC. 2. No member of this State shall be disfranchised, or deprived o any of the rights or privileges secured to any citizen thereof, unless by th law of the land, or the judgment of his peers. There shall be neither slaver nor involuntary servitude in the State otherwise than in the punishmen of crime, whereof the party shall have been duly convicted.

SEC. 3. The liberty of the press shall forever remain inviolate, and al persons may freely speak, write and publish their sentiments on all sul jects, being responsible for the abuse of such right.

SEC. 4. The right of trial by jury shall remain inviolate, and shall ex tend to all cases at law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases in the manner prescribe by law: [and the legislature may provide that the agreement of five-sixths o any jury in any civil action or proceeding, after not less than six (6) hour deliberation, shall be a sufficient verdict therein.][1]

SEC. 5. Excessive bail shall not be required, nor shall excessive fines b imposed; nor shall cruel or unusual punishment be inflicted.

SEC. 6. In all criminal prosecutions the accused shall enjoy the right t a speedy and public trial, by an impartial jury of the county or district where in the crime shall have been committed, which county or district shall hav been previously ascertained by law, and to be informed of the nature an cause of the accusation, to be confronted with the witnesses against him to have compulsory process for obtaining witnesses in his favor, and to hav the assistance of counsel in his defense.

SEC. 7. No person shall be held to answer for a criminal offense witho due process of law, and no person for the same offense shall be put twic in jeopardy of punishment, nor shall be compelled in any criminal case to b a witness against himself, nor be deprived of life, liberty or property wit out due process of law. All persons shall before conviction be bailable b sufficient sureties, except for capital offenses when the proof is evident or th presumption great; and the privilege of the writ of habeas corpus shall no be suspended unless when in case of rebellion or invasion the public safet may require.[2]

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* The constitution of Minnesota was drafted by a convention which assembled a St. Paul on July 13, 1857. The convention was submitted to the people on Octob 13, 1857, and was adopted by a vote of 30,055 to 571; no proposition was submitte separately. The state was admitted to the Union on May 11, 1858.

[1] Amendment proposed by the legislature of 1889, ratified by the electors o November 4, 1890, and proclaimed adopted on December 20, 1890. The amendme is the part included in the brackets.

[2] Amendment proposed by the legislature of 1903, ratified by the electors o November 8, 1904, and proclaimed adopted on January 6, 1905. The text of the ori inal section is as follows: Sec. 7. No person shall be held to answer for a crimina offence unless on the presentment or indictment of a Grand Jury, except in cases o impeachment or in cases cognizable by Justices of the Peace, or arising in the Arm or Navy, or in the militia when in actual service in time of war or public danger, an no person for the same offence shall be put twice in jeopardy of punishment, nor sha

SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformable to the laws.

SEC. 9. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized.

SEC. 11. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 12. No person shall be imprisoned for debt in this State, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. [Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same, and provided further, that such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.][3]

SEC. 13. Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.[4]

SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

SEC. 15. All lands within the State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural lands for a longer period than twenty-one years hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

SEC. 16. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference to be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State, nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.

SEC. 17. No religious test or amount of property shall ever be required as a qualification for any office of public trust under this State. No religious test or amount of property shall ever be required as a qualification of any

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be compelled in any criminal case to (be) witness against himself, nor be deprived of life, liberty, or property, without due process of Law. All persons shall before conviction be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require.

[3] Amendment proposed by the legislature of 1887 and ratified by the electors on November 6, 1888. The amendment consists of the proviso enclosed in brackets.

[4] Amendment proposed by the legislature of 1895, ratified by the electors on November 3, 1896, and officially proclaimed on December 29, 1896. The amendment added the words "destroyed or damaged."

voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

SEC. 18. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.[5]

ARTICLE II.

ON NAME AND BOUNDARIES.

SECTION 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of and have jurisdiction over the territory embraced in the following boundaries, to-wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi river; thence up the main channel of said river and following the boundary line of the State of Wisconsin until the same intersects the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British possessions; thence up Pigeon river and following said dividing line to the place of beginning.

SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi and on all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other state or states now or hereafter to be formed by the same; and said rivers and waters, and navigable waters leading into the same, shall be common highways and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. The propositions contained in the act of Congress entitled, "An act to authorize the people of the Territory of Minnesota to form a constitution and state government, preparatory to their admission into the Union on equal footing with the original states," are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to bona fide purchasers thereof; and no tax shall be imposed on lands belonging to the United States and in no case shall non-resident proprietors be taxed higher than residents.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of government shall be divided into three distinct departments—legislative, executive, and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislature shall consist of the Senate and House of Representatives, which shall meet biennially at the seat of government of the State, at such time as shall be prescribed by law, but no session shall exceed

[5] Section 18 is a new section; it was proposed by the legislature of 1905, ratified by the electors on November 6, 1906, and proclaimed adopted on December 27, 1906.

the term of ninety (90) legislative days; and no new bill shall be introduced in either branch, except on the written request of the governor, during the last twenty (20) days of such sessions, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor.[6]

SEC. 2. The number of members who compose the Senate and House of Representatives shall be prescribed by law, but the representatives in the Senate shall never exceed one member for every 5,000 inhabitants, and in the House of Representatives one member for every 2,000 inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

SEC. 3. Each house shall be the judge of the election returns and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as it may provide.

SEC. 4. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but no member shall be expelled the second time for the same offense.

SEC. 5. The House of Representatives shall elect its presiding officer and the Senate and House of Representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such journals.

SEC. 6. Neither house shall, during a session of the legislature, adjourn for more than three days (Sundays excepted), nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

SEC. 7. The compensation of senators and representatives shall be three dollars per diem during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing House of Representatives may have been elected.

SEC. 8. The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

SEC. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature.

SEC. 10. All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose and concur with amendments as on other bills.

[6] Section 1 has been amended three times: the first amendment was proposed by the legislature of 1860 and was ratified by the electors on November 6, 1860; the second amendment was proposed by the legislature of 1877 and was ratified by the electors on November 6, 1877; the present amendment was proposed by the legislature of 1887 and was ratified by the electors on November 6, 1888. The text of the original section is as follows: Section 1. The Legislature of the State, shall consist of a Senate and House of Representatives, who shall meet at the Seat of Government of the State, at such times as shall be prescribed by law. The amendment of 1860 added to the original the words: "But no session shall exceed the term of sixty days." The text of the amendment of 1877 was as follows: Section 1. The Legislature of the State shall consist of a Senate and House of Representatives, who shall meet biennially at the seat of Government of the State, at such time as shall be prescribed by law; but no session shall exceed the term of sixty days.

SEC. 11. Every bill which shall have passed the Senate and House of Representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the State. If he approve, he shall sign and deposit it in the office of secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it, with his objections, to the house in which it shall have originated; when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if it be approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return; in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law.

If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.[7]

SEC. 12. No money shall be appropriated except by bill. Every order, resolution or vote requiring the concurrence of the two houses (except such as relate to the business or adjournment of the same) shall be presented to the governor for his signature, and, before the same shall take effect, shall be approved by him, or, being returned by him with his objections, shall be repassed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

SEC. 13. The style of all laws of this State shall be: "Be it enacted by the Legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

SEC. 14. The House of Representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the Senate; and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 15. The legislature shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or any other infamous crime.

SEC. 16. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious

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[7] Amendment proposed by the legislature of 1876 and ratified by the electors on November 7, 1876. The amendment is the second paragraph only.

to the public or to any individual, and have the reason of their dissent entered on the journal.

SEC. 17. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

SEC. 18. Each house may punish by imprisonment, during its session, any person, not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

SEC. 19. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

SEC. 20. Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is depending shall deem it expedient to dispense with this rule; and no bill shall be passed by either house until it shall have been previously read twice at length.

SEC. 21. Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses shall thereafter be incapable of holding a seat in either branch of the legislature, or hold any other office of honor or profit in the State, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

SEC. 22. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

SEC. 23. The legislature shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

SEC. 24. The senators shall also be chosen by single districts of convenient contiguous territory, at the same time that members of the house of representatives are required to be chosen, and in the same manner; and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The terms of office of senators and representatives shall be the same as now prescribed by law until the general election of the year one thousand eight hundred and seventy-eight (1878), at which time there shall be an entire new election of all the senators and representatives. Representatives chosen at such election, or at any election thereafter, shall hold their office for the term of two years, except if be to fill a vacancy; and the senators chosen at such election by districts designated as odd numbers shall go out of office at the expiration of the second year, and senators chosen by districts designated by even numbers shall go out of office at the expiration of the fourth year; and thereafter senators shall be chosen for four years, except there shall be an entire new election of all the senators at the election of representatives next succeeding each new apportionment provided for in this article.[8]

[8] Amendment proposed by the legislature of 1877 and ratified by the electors on November 6, 1877. The text of the original section is as follows: SEC. 24. The Senators shall also be chosen by single Districts of convenient contiguous Territory, at the same time that the members of the House of Representatives are required to be chosen, and in the same manner, and no representative district shall be divided in the formation of a Senate District. The Senate Districts shall be numbered in regular series, and the Senators chosen by the Districts designated by odd numbers, shall go

SEC. 25. Senators and representatives shall be qualified voters of the State, and shall have resided one year in the State and six months immediately preceding the election in the district from which they are elected.

[SEC. 26. Members of the Senate of the United States from this State shall be elected by the two houses of the legislature in joint convention, at such time and in such manner as may be provided by law.][9]

SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 28. Divorces shall not be granted by the legislature.

SEC. 29. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

SEC. 30. In all elections to be made by the legislature, the members thereof shall vote viva voce, and their votes shall be entered on the journal.

SEC. 31. The legislature shall never authorize any lottery or the sale of lottery tickets.

SEC. 32. [a] Any law providing for the repeal or amendment of any law or laws heretofore or hereafter enacted, which provides that any railroad company now existing in this State or operating its road therein, or which may be hereafter organized, shall, in lieu of all other taxes and assessments upon their real estate, roads, rolling stock, and other personal property, at and during the time and periods therein specified, pay into the treasury of this State a certain percentage therein mentioned of the gross earnings of such railroad companies now existing or hereafter organized, shall, before the same shall take effect or be in force, be submitted to a vote of the people of the State, and be adopted and ratified by a majority of the electors of the State voting at the election at which the same shall be submitted to them.[10]

SEC. 32. [b] All lands donated to the State of Minnesota for the purpose of internal improvement, under the eighth section of the act of Congress, approved September fourth, eighteen hundred and forty-one, being "An act to appropriate the proceeds of the sale of the public lands, and to grant preemption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisement and sale of the school lands, under the provisions of title one (1), chapter thirty-eight, of the General Statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of said lands shall be invested in the bonds of the United States, or of the State of Minnesota issued since 1860; and the moneys so invested shall constitute the Internal Improvement Land Fund of the State. All moneys received by the county treasurer under the provisions of title one (1), chapter thirty-eight (38), aforesaid, derived from the sale of internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs; and on the fifteenth day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer all moneys received on account of such fund.

The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written "Minnesota Internal Improvement Land Fund of the State, transferable only on the order of the governor."

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out of office at the expiration or (of) the first year, and the Senators chosen by the districts designated by even numbers shall go out of office at the expiration of the second year; and thereafter the Senators shall be chosen for the term of two years, except there shall be an entire new election of all the Senators at the election next succeeding each new apportionment provided for in this Article.

[9] Obsolete since the adoption of the Seventeenth Amendment of the Federal Constitution.

[10] Section 32 [a] is a new section; it was proposed by the legislature of 1871 and was ratified on November 8, 1871.

The principal sum from all sales of internal improvement lands shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; and section fifty (50), of title one (1), of chapter thirty-eight (38), of the General Statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands" are used in said title, it shall read as applicable to this amendment, "Internal Improvement Lands."

The moneys belonging to the Internal Improvement Land Fund shall not be appropriated for any purpose whatever until the enactment for that purpose shall have been approved by a majority of the electors of the State voting at the annual general election following the passage of the act.[11]

The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.[12]

SEC. 33. In all cases when a general law can be made applicable, no special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law regulating the affairs of, or incorporating, erecting or changing the lines of, any county, city, village, township, ward or school district, or creating the offices, or prescribing the powers and duties of the officers of, or fixing or relating to the compensation, salary or fees of the same, or the mode of election or appointment thereto, authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; regulating the powers, duties and practice of justices of the peace, magistrates and constables; changing the names of persons, places, lakes or rivers; for opening and conducting of elections, or fixing or changing the places of voting; authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; locating or changing county seats; regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes; exempting property from taxation, or regulating the rate of interest on money; creating corporations, or amending, renewing, extending or explaining the charters thereof; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever, or authorizing public taxation for a private purpose. Provided, however, That the inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same.[13]

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[11] By chapter 71 of the acts of the extra session of 1881 the proceeds of this fund were pledged to the payment of Minnesota State Railroad adjustment bonds, and the law was voted upon and approved at the general election of 1884 by 31,011 votes in favor and 13,589 votes against.

[12] Section 32b is a new section; it was proposed by the legislature of 1872 and ratified at the election of November 5, 1872, and officially promulgated on December 2, 1872.

[13] Section 33 is a new section; it was proposed by the legislature of 1881 and ratified at the election of November 8, 1881; the present amendment to this section was proposed by the legislature of 1891, ratified at the election of November 8, 1892, and proclaimed on December 23, 1892. The text of the original section is as follows: Sec. 33. The Legislature is prohibited from enacting any special or private laws in the following cases:

1st. For changing the name of a person or constituting one person the heir at law of another.

2nd. For laying out, opening or altering highways.

3d. For authorizing persons to keep ferries across streams wholly within this State.

4th. For authorizing the sale or mortgage of real or personal property of minors or other persons under disability.

5th. For changing any county seat.

6th. For assessment or collection of taxes or for extending the time for the collection thereof.

7th. For granting corporate powers or privileges, except to cities.

8th. For authorizing the apportionment of any part of the school fund.

SEC. 34. The legislature shall provide general laws for the transaction of any business that may be prohibited by section one (1) of this amendment, and all such laws shall be uniform in their operation throughout the State.[14]

SEC. 35. Any combination of persons, either as individuals or as members or officers of any corporation, to monopolize the markets for food products in this State, or to interfere with, or restrict the freedom of, such markets, is hereby declared to be a criminal conspiracy, and shall be punished in such manner as the legislature may provide.[15]

SEC. 36. Any city or village in this State may frame a charter for its own government as a city consistent with and subject to the laws of this State, as follows: The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof, to be appointed by the district judges of the judicial district in which the city or village is situated, [as the legislature may determine, for a term in no event to exceed six years,] which board shall, within six months after its appointment, return to the chief magistrate of said city or village a draft of said charter, signed by the members of said board, or a majority thereof. Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall, at the end of thirty days thereafter, become the charter of such city or village as a city, and supersede any existing charter and amendments thereof; provided, that in cities having patrol limits now established, such charters shall require a three-fourths majority vote of the qualified voters voting at such election to change the patrol limits now established.

Before any city shall incorporate under this act the legislature shall prescribe by law the general limits within which such charter shall be framed. Duplicate certificates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal. One of said certificates shall be deposited in the office of secretary of state, and the other, after being recorded in the office of the register of deeds for the county in which such city or village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof. Such charter so deposited may be amended by proposal therefor made by a board of fifteen [commissioners] aforesaid, published for at least thirty days in three newspapers of general circulation in such city or village, and accepted by three-fifths of the qualified voters of such city or village voting at the next election, and not otherwise: but such charter shall always be in harmony with and subject to the Constitution and laws of the State of Minnesota. The legislature may prescribe the duties of the commission relative to submitting amendments of charter to the vote of the people [and shall provide that upon application of five per cent of the legal voters of any such city or village, by written petition, such commission shall submit to the vote of the people proposed amendments to such charter set forth in said petition.] The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits, [or expiration of term of office,] shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

9th. For incorporating any town or village.

10th. For granting to any individual, association or corporation, except municipal, any special or exclusive privilege, immunity or franchise whatever.

11th. For vacating roads, town plats, streets, alleys and public grounds.

But the Legislature may repeal any existing special law relating to the foregoing sub-divisions.

[14] This section refers to section 1 of the amendment of 1881, being section 33 preceding prior to its amendment in 1892. It was proposed by the legislature of 1881 and was ratified by the electors on November 8, 1881.

[15] Section 35 is a new section; it was proposed by the legislature of 1889 and was ratified on November 6, 1888.

It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the [electors.]

In submitting any such charter or amendment thereto to the qualified voters of such city or village, any alternate section or article may be presented for the choice of the voters, and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto.

The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than [twenty] thousand inhabitants, or to cities of [twenty] and not less than ten [thousand inhabitants, or to cities of ten thousand inhabitants or less,] which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall supersede any general law of the State defining or punishing crimes or misdemeanors.[16]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general who shall be chosen by the electors of the State.

SEC. 2. The returns of every election for the officers named in the foregoing section shall be made to the secretary of state, who shall call to his assistance two or more of the judges of the supreme court, and two disinterested judges of the district courts of the State, who shall constitute a board of canvassers, who shall open and canvass said returns and declare the result within three days after such canvass.[17]

SEC. 3. The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a bona fide resident of the State for one year next preceding his election. Both shall be citizens of the United States.

SEC. 4. The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power, [in

[16] Section 36 is a new section; it was proposed by the legislature of 1895, ratified by the electors on November 3, 1896, and officially proclaimed on December 29, 1896; the section was modified by an amendment proposed by the legislature of 1897 and ratified by the electors on November 8, 1898, and officially proclaimed on December 29, 1898. The portions enclosed in brackets are amendments; by addition the word "commissioners" enclosed, in paragraph second was substituted for "freeholders"; the last word "electors" at the end of paragraph three was substituted for "citizens". The text of the last paragraph of the amendment of 1895 is as follows: The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than fifteen thousand inhabitants, or to cities of fifteen thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall supersede any general law of the state defining or punishing crimes or misdemeanors.

[17] Amendment proposed by the legislature of 1877 and ratified at the election of November 6, 1877. The text of the original section is as follows: SEC. 2. The returns of every election, for the officers named in the foregoing Section, shall be made to the Secretary of State, and by him transmitted to the Speaker of the House of Representatives, who shall cause the same to be opened and canvassed before both Houses of the Legislature, and the result declared within three days after each House shall be organized.

conjunction with the board of pardons, of which the governor shall be ex officio a member, and the other members of which shall consist of the attorney general of the State of Minnesota and the chief justice of the supreme court of the State of Minnesota, and whose powers and duties shall be defined and regulated by law,] to grant reprieves and pardons after conviction for offenses against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the Senate, to appoint a state librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this Constitution prescribed. He may on extraordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.[18]

SEC. 5. The official term of the secretary of state, treasurer and attorney general shall be two (2) years. The official term of the state auditor shall be four (4) years, and each shall continue in office until his successor shall have been elected and qualified. The further duties and salaries of said executive officers shall each be prescribed by law.[19]

SEC. 6. The lieutenant governor shall be ex officio president of the Senate; and in case a vacancy shall occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a state senator. Before the close of each session of the Senate they shall elect a president pro tempore, who shall be lieutenant governor in case a vacancy should occur in that office.

[SEC. 7. The term of each of the executive officers named in this article shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the auditor, who shall continue in office till the first Monday of January, 1861; and until their successors shall have been duly elected and qualified; and the same above mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the State Constitution, who have not already taken the oath of office, and commenced the performance of their official duties.][20]

SEC. 8. Each officer created by this article shall, before entering upon his duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office to the best of his judgment and ability.

[SEC. 9. Laws shall be passed at the first session of the legislature after

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[18] Amendment proposed by the legislature of 1895, ratified at the election of November 3, 1896, and proclaimed adopted on December 29, 1896. The provision creating a board of pardons, enclosed in brackets, is the amendment.

[19] Amendment proposed by the legislature of 1883 and ratified at the election of November 6, 1883. The text of the original section is as follows: Sec. 5. The official term of the Secretary of State, Treasurer and Attorney-General shall be two years. The official term of the Auditor shall be three years, and each shall continue in office until his successor shall have been elected and qualified. The Governor's salary for the first term under this Constitution shall be Two Thousand Five Hundred dollars per annum. The salary of the Secretary of State for the first term shall be Fifteen Hundred Dollars per annum. The Auditor, Treasurer and Attorney-General shall, each for the first term receive a salary of One Thousand Dollars per annum. And the further duties and salaries of said Executive officers shall each thereafter be prescribed by law.

[20] Amendment proposed by the legislature of 1857-8 and ratified at the election of April 15, 1858. The section is now obsolete. The text of the original section is as follows: Sec. 7. The term of each of the Executive offices named in this article shall commence upon taking the oath of office, after the State shall be admitted by Congress into the Union, and continue until the first Monday in January, eighteen hundred and sixty, except the Auditor, who shall continue in office until the first Monday in January eighteen hundred and sixty-one, and until their successors shall have been duty [duly] elected and qualified.

the State is admitted into the Union to carry out the provisions of this article.][21]

ARTICLE VI.

JUDICIARY.

SECTION 1. The judicial power of the State shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.

SEC. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of the associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary.[22] It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen, by the qualified electors of the State, one clerk of the supreme court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.[23]

SEC. 3. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be six years, and until their successors are elected and qualified.

Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any case in said court, the governor, or, if he shall be interested in the result of such case, then the lieutenant governor, shall assign judges of the district court of the State, who shall sit in such case in place of such disqualified judges, with all the powers and duties of judges of the supreme court.[24]

SEC. 4. The State shall be divided by the legislature into judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district, one [or more] judges, [as the legislature may prescribe,] shall be elected by the electors thereof, whose term of office shall be six years, and each of said judges shall severally have and exercise the powers of the court, under such limitations as may be prescribed by law. Every district judge shall, at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office. In case any court of common pleas heretofore established shall be abolished, the judge of said court may be constituted by the legislature one of the judges of the district court of the district wherein such court has been so established for a period not exceeding the unexpired term for which he was elected.[25]

[21] Obsolete.

[22] By Acts 1881, Chapter 141, the supreme court is made to consist of one chief justice and four associate justices.

[23] Amendment proposed by the legislature of 1883 and ratified by the electors on November 6, 1883. The amendment extended the term of clerk of the supreme court from "three" to "four" years.

[24] Section 3 has been amended twice; the first amendment was proposed by the legislature of 1876 and ratified at the election of November 7, 1876; the second amendment was proposed by the legislature of 1883 and ratified at the election of November 6, 1883. The first paragraph is the original section. The amendment of 1876 added the second paragraph. The amendment of 1883 changed the judges' term from "seven" to "six" years.

[25] Section 4 has been amended twice; the first amendment was proposed by the legislature of 1875 and ratified by the electors on November 5, 1875; the second amendment was proposed by the legislature of 1883 and was ratified on November 6, 1883. The text of the original section is as follows: SEC. 4. The State shall be divided by the Legislature into six Judicial Districts, which shall be composed of contiguous Ter-

SEC. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of judge of any other district not his own, when convenience or the public interest may require it.

SEC. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times as may be prescribed by the legislature; which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

SEC. 7. There shall be established in each organized county in the State a probate court, which shall be a court of record, and be held at such time and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution.

SEC. 8. The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law. Provided, That no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine over one hundred dollars, nor in any cause involving the title to real estate.

SEC. 9. All judges other than those provided for in this Constitution shall be elected by the electors of the judicial district, county, or city, for which they shall be created, not for a longer term than seven years.

SEC. 10. In case the office of any judge become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

SEC. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State. And all votes for either of them for any elective office under this Constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.

SEC. 12. The legislature may at any time change the number of judicial districts or their boundaries, when it shall be deemed expedient; but no such change shall vacate the office of any judge.

SEC. 13. There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

SEC. 14. Legal pleadings and proceedings in the courts of this State shall be under the direction of the legislature. The style of all process shall be

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ritory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each Judicial District, one Judge shall be elected by the electors thereof, who shall constitute said Court, and whose term of office shall be seven years. Every District Judge, shall at the time of his election, be a resident of the District for which he shall be elected, and shall reside therein during his continuance in office. The amendment of 1883 changed the term of judges from "seven" to "six" years.

"The State of Minnesota," and all indictments shall conclude, "against the peace and dignity of the State of Minnesota."

SEC. 15. The legislature may provide for the election of one person in each organized county in this State, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon the judges of probate in the State.

ARTICLE VII.

ELECTIVE FRANCHISE.

SECTION 1. What persons are entitled to vote:

Every male person of the age of twenty-one (21) years or upwards belonging to either of the following classes who has resided in this State six (6) months next preceding any election shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty (30) days a resident, for all officers that now are, or hereafter may be, elective by the people.

First—Citizens of the United States who have been such for the period of three (3) months next preceding any election.

Second—Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Third—Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State.[26]

SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship, or who may be non compos mentis or insane, shall be entitled or permitted to vote at any election in that State.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State or of the United States; nor while a student in any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison.

SEC. 4. No sailor, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed within the same.

SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

[26] Section 1 has been amended twice; the first amendment was proposed by the legislature of 1867, ratified on November 3, 1868, and officially promulgated on January 9, 1869; the second amendment was proposed by the legislature of 1895, ratified by the electors on November 3, 1896, and officially proclaimed on December 29, 1896. The text of the original section is as follows: Section 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the United States one year, and in this State for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are, or hereafter may be, elective by the people.

First. White citizens of the United States.

Second. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States upon the subject of naturalization.

Third. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Fourth. Persons of Indian blood residing in this State, who have adopted the intermarriage customs and habits of civilization, after an examination before any District Court of the State, in such manner as may be provided by law, and shall have been pronounced by said Court capable of enjoying the rights of citizenship within the State. The text of the amendment of 1867 is identical except that the word "white" where it occurred at the beginning of sub-sections First and Second was stricken out. The amendment as proposed in 1867 was identical with a similar amendment proposed in 1857.

SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

SEC. 7. Every person who by the provisions of this article shall be entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this Constitution, or the Constitution and law of the United States.

SEC. 8. Women may vote for school officers and members of library boards, and shall be eligible to hold any office pertaining to the management of schools or libraries.

Any woman of the age of twenty-one (21) years and upward and possessing qualifications requisite to a male voter may vote at any election held for the purpose of choosing any officer of schools or any members of library boards, or upon any measure relating to schools or libraries, and shall be eligible to hold any office pertaining to the management of schools and libraries.[27]

SEC. 9. The official year for the State of Minnesota shall commence on the first Monday in January in each year, and all terms of office shall terminate at that time; and the general election shall be held on the first Tuesday after the first Monday in November. The first general election for State and county officers, except judicial officers, after the adoption of this amendment shall be held in the year A. D. one thousand eight hundred and eighty-four (1884), and thereafter the general election shall be held biennially. All state, county or other officers elected at any general election, whose terms of office would otherwise expire on the first Monday of January, A. D. one thousand eight hundred and eighty-six (1886), shall hold and continue in such offices respectively, until the first Monday in January, one thousand eight hundred and eighty-seven (1887).[28]

ARTICLE VIII.

SCHOOL FUNDS, EDUCATION AND SCIENCE.

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

SEC. 2. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township of this State shall remain a perpetual school fund to the State; and not more than one third (1-3) of said lands may be sold in two (2) years, one-third (1-3) in five (5) years, and one-third (1-3) in ten (10) years; but the lands of the greatest valuation shall be sold first; provided, that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales or other disposition of lands or other property, granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school land shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township, between the ages of five and twenty-one years; and shall be faithfully applied to the specific objects of the original grants or appropriations.

Suitable laws shall be enacted by the legislature for the safe investment of the principal of all funds which have heretofore arisen or which may hereafter arise from the sale or other disposition of such lands, or the income from such lands accruing in any way before the sale or disposition thereof

[27] Section 8 is a new section; it was proposed by the legislature of 1875 and was ratified by the electors on November 5, 1875; the present amendment was proposed by the legislature of 1897, ratified on November 8, 1898, and officially proclaimed on December 29, 1898. The text of the section as originally proposed is as follows: Section 8. The legislature may, notwithstanding anything in this article, provide by law that any woman at the age of twenty-one years and upward, may vote at any election held for the purpose of choosing any officers of schools, or upon any measure relating to schools, and may also provide that any such woman shall be eligible to hold any office pertaining solely to the management of schools.

[28] Section 9 is a new section; it was proposed by the legislature of 1883 and ratified at the election of November 6, 1883.

in interest-bearing bonds of the United States, or of the State of Minnesota, issued after the year one thousand eight hundred and sixty (1860), or of such other state as the legislature may, by law, from time to time direct.

All swamp lands now held by the State, or that may hereafter accrue to the State, shall be appraised and sold in the same manner and by the same officers, and the minimum price shall be the same less one-third (1-3), as is provided by law for the appraisement and sale of the school lands under the provisions of title one (1) of chapter thirty-eight (38) of the General Statutes. The principal of all funds derived from sales of swamp lands, as aforesaid, shall forever be preserved inviolate and undiminished. One-half (½) of the proceeds of said principal shall be appropriated to the common school fund of the State. The remaining one-half (½) shall be appropriated to the educational and charitable institutions of the State in the relative ratio of cost to support said institutions.

A revolving fund of not over two hundred fifty thousand dollars ($250,000) may be set apart from the fund derived from the sale of school and swamp lands, to be used in constructing roads, ditches and fire breaks in, through and around unsold school and swamp lands and in clearing such lands, such fund to be replenished as long as needed from the enhanced value realized from the sale of such lands so benefited.[29]

SEC. 3. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the State.

But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.[30]

SEC. 4. The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises and endowments heretofore granted or conferred are hereby perpetuated unto the said university; and all lands which may be granted hereafter by Congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

SEC. 5. The permanent school funds of the State may be loaned upon interest at the rate of five (5) per cent per annum to the several counties or school districts of the State, to be used in the erection of county or school buildings. No such loan shall be made until approved by a board consisting of the governor, the state auditor and the state treasurer, who are hereby constituted an investment board for the purpose of the loans hereby authorized; nor shall any such loan be for an amount exceeding three (3) per cent of the last preceding assessed valuation of the real estate of the county or school district receiving the same. The state auditor shall annually, at the time of certifying the state tax to the several county auditors, also certify to each auditor to whose county, or to any of the school districts of whose county, any such loan shall have been made, the tax necessary to be levied to meet the accruing interest or principal of any such loan, and it shall be the duty of every such county auditor forthwith to levy and extend such tax upon all the taxable property of his county, or of the several school districts, respectively, liable for such loans—as the case may be—and in all such cases the tax so assessed shall be fifty (50) per cent in excess of the amount actually necessary to be raised on account of such accruing principal or interest. It

[29] Section 2 has been amended three times; the first amendment was proposed by the legislature of 1875 and was ratified at the election of November 5, 1875; the second amendment was proposed by the legislature of 1881 and was ratified by the electors on November 8, 1881; the third amendment was proposed by the legislature of 1915, was ratified by the electors on November 7, 1916, and officially proclaimed on November 29, 1916. The first paragraph of the section is the section as originally adopted; the second paragraph is the amendment of 1875; the third paragraph is the amendment of 1881; and the last paragraph is the amendment of 1916.

[30] Amendment proposed by the legislature of 1877 and ratified on November 6, 1877. The second paragraph, only, was added by the amendment.

shall be levied, collected and paid into the county and state treasuries in the same manner as state taxes, and any excess collected over the amount of such principal or interest accruing in any given year shall be credited to the general funds of the respective counties or school districts. No change of the boundaries of any school district after the making of any such loan shall operate to withdraw any property from the taxation herein provided for; nor shall any law be passed extending the time of payment of any such principal or interest, or reducing the rate of such interest, or in any manner waiving or impairing any rights of the State in connection with any such loan. Suitable laws, not inconsistent with this amendment, may be passed by the legislature for the purpose of carrying the same into effect.[31]

SEC. 6. The permanent school and university fund of this State may be invested in the bonds of any county, school district, city, town or village of this state, and in first mortgage loans secured upon improved and cultivated farm lands of this state. But no such investment or loan shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this State; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed 15 per cent of the assessed valuation of the taxable property of the county, school district, city, town or village issuing such bonds; nor shall any farm loan, or investment be made when such investment or loan would exceed 30 per cent of the actual cash value of the farm land mortgage to secure said investment; nor shall such investments or loans be made at a lower rate of interest than 3 per cent per annum, nor for a shorter period than five years, nor for a longer period than thirty years, and no change of the town, school district, city, village or of county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of issuing of such bonds from any liability for taxation to pay such bonds.[32]

SEC. 7. Such of the school and other public lands of the state as are better adapted for the production of timber than for agriculture, may be set apart as state school forests, or other state forests, as the legislature may provide, and the legislature may provide for the management of the same on forestry principles. The net revenue therefrom shall be used for the purposes for which the lands were granted to the state.[33]

ARTICLE IX.

FINANCES OF THE STATE AND BANKS AND BANKING.

SECTION 1. The power of taxation shall never be surrendered, suspended or contracted away. Taxes shall be uniform upon the same class of subjects.

[31] Section 5 is a new section; it was proposed by the legislature of 1885 and was ratified on November 2, 1886.

[32] Section 6 is a new section; it was proposed by the legislature of 1895, ratified by the electors on November 3, 1896, and officially proclaimed on December 29, 1896; the second amendment was proposed by the legislature of 1903, was ratified by the electors on November 8, 1904, and proclaimed adopted on January 6, 1905; the third amendment was proposed by the legislature of 1915, was ratified by the electors on November 7, 1916, and was proclaimed adopted on November 29, 1916. The text of the original section is as follows: Sec. 6. The permanent school and university fund of this state may be invested in the purchase of bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the issue of which the same in part would make the entire bonded indebtedness exceed seven per cent. of the assessed valuation of the taxable real property of the county, school district, city, town or village issuing such bonds; nor shall such loans or indebtedness be made at a lower rate of interest than three per cent. per annum nor for a shorter period than five (5) years nor for a longer period than twenty (20) years, and no change of the town, school district, village, city or county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of the issuing of such bonds from any liability for taxation to pay such bonds. Aside from a few unimportant verbal changes, the only amendment of 1903 raised the entire bonded indebtedness from seven to fifteen per cent. The amendment of 1915 permitted loans on farm lands.

[33] Section 7 is a new section; it was proposed by the legislature of 1913, was ratified at the election of November 3, 1914, and was proclaimed adopted on November 25, 1914.

and shall be levied and collected for public purposes, but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property, and houses of worship, institutions of purely public charity, and public property used exclusively for any public purpose, shall be exempt from taxation, and there may be exempted from taxation personal property not exceeding in value $200, for each household, individual or head of a family, as the legislature may determine; Provided, that the legislature may authorize municipal corporations to levy and collect assessments for local improvements upon property benefited thereby without regard to a cash valuation, and, provided further, that nothing herein contained shall be construed to affect, modify or repeal any existing law providing for the taxation of the gross earnings of railroads.[34]

[Sec. 1, Sec. 2, Sec. 3 and Sec. 4 were superseded in 1906 by Section 1 above.][35]

SEC. 5. For the purpose of defraying extraordinary expenditures, the State may contract public debts, but such debts shall never, in the aggregate, exceed $250,000; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed or diminished, until the principal and interest of such debt shall have been wholly paid. The State shall never contract any debts for works of internal improvements, or be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the State, especially dedicated by the grant to specific purposes, and in such case the State shall devote thereto the avails of such grants, and may pledge or appropriate the revenue, derived from such works in aid of their completion.[36]

SEC. 6. All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the State under par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount unpaid and to whom severally made payable.

SEC. 7. The State shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

SEC. 8. The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

SEC. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

[34] Section 1 is in reality a new section; it was proposed by the legislature of 1905, as ratified by the electors on November 6, 1906, and was proclaimed adopted on December 27, 1906. This section supersedes and takes the place of sections 1, 2, 3 and 4 of this article as originally adopted, and of section 17 of this article which was adopted as a new section in 1896.

[35] Original section 1 was amended three times prior to its final elimination from the constitution; the first amendment was proposed by the legislature of 1869, ratified on November 2, 1869, and officially proclaimed on January 8, 1870; the second amendment was proposed by the legislature of 1881 and ratified on November 8, 1881; the third amendment was proposed by the legislature of 1893, ratified on November 6, 1894, and officially proclaimed on December 31, 1894. Original section 2 was modified by an amendment proposed by the legislature of 1860 and ratified on November 6, 1860.

[36] Amendment proposed by the legislature of 1858 and ratified by the electors on April 14, 1858.

SEC. 10. The credit of the State shall never be given or loaned in aid of any individual, association or corporation. Nor shall there be any further issue of bonds denominated "Minnesota State Railroad Bonds," under what purports to be an amendment to section ten (10) of article nine (9) of the Constitution, adopted April fifteenth, eighteen hundred and fifty-eight, which is hereby expunged from the Constitution, saving, excepting and reserving to the State, nevertheless, all rights, remedies, and forfeitures accruing under said amendment.[37]

SEC. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January in each year, and in the next volume of the acts of legislature, detailed statements of all moneys drawn from the treasury during the preceding year, for what purpose and to whom paid, and by what law authorized; and also of all moneys received, and by what authority and from whom.

SEC. 12. Suitable laws shall be passed by the legislature for the safekeeping, transfer and disbursements of the State and school funds; and all officers and other persons charged with the same or any part of the same or the safe keeping thereof, shall be required to give ample security for all moneys and funds of any kind received by them; to make forthwith and keep

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[37] Section 10 has been amended twice; the first amendment was proposed by the legislature of 1857-8 and was adopted on April 15, 1858; the present amendment was proposed by the legislature of 1860 and ratified on November 6, 1860. The text of the original section is as follows: Sec. 10. The credit of the State shall never be given or loaned in aid of any individual, association or corporation. The text of the amendment of 1858 is as follows: Section 10. The credit of this State shall never be given or loaned in aid of any individual, association or corporation, except that for the purpose of expediting the construction of the lines of Railroads, in aid of which the Congress of the United States has granted lands to the Territory of Minnesota, the Governor shall cause to be issued and delivered to each of the Companies in which said grants are vested by the Legislative Assembly of Minnesota, the special bonds of the State, bearing an interest of seven per cent. per annum, payable semi-annually in the City of New York, as a loan of public credit, to an amount not exceeding twelve hundred and fifty thousand dollars, or an aggregate amount to all of said Companies not exceeding five millions of dollars, in manner following, to-wit:

Whenever either of the said Companies shall produce to the Governor satisfactory evidence, verified by the affidavits of the Chief Engineer, Treasurer and two Directors of said Company, that any ten miles of the road of said Company, has been actually constructed and completed, ready for placing the superstructure thereon, the Governor shall cause to be issued and delivered to such Company, bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said Companies shall produce to the Governor, like evidence of a further construction of ten miles of its road, as aforesaid, then the Governor shall cause to be issued to such Company further like bonds to the amount of one hundred thousand dollars for each and every ten miles of road thus constructed; and whenever such Company shall furnish like evidence that any ten miles of its road is actually completed and cars running thereon, the Governor shall cause to be issued to such Company like bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said Companies shall produce to the Governor like evidence that any further ten miles of said road is in operation as aforesaid, the Governor shall cause to be issued to such Company further like bonds to the amount of one hundred thousand dollars until the full amount of the bonds hereby authorized shall be issued: Provided, That two-fifths, and no more, of all bonds issued to the Southern Minnesota Railroad Company, shall be expended in the construction and equipment of the line of road from La Crescent to the point of junction with the Transit Road, as provided by law. And further provided, that the Minneapolis and Cedar Valley Railroad Company shall commence the construction of their road at Faribault and Minneapolis, and shall grade an equal number of miles from each of said places.

The said bonds thus issued shall be denominated "Minnesota State Railroad Bonds," and the faith and credit of this State are hereby pledged for the payment of the interest and the redemption of the principal thereof. They shall be signed by the Governor, countersigned and registered by the Treasurer, sealed with the seal of the State, of denominations not exceeding one thousand dollars, payable to the order of the company to whom issued, transferable by the endorsement of the President of the said Company, and redeemable at any time after ten and before the expiration of twenty five years from the date thereof. Within thirty days after the Governor shall proclaim that the people have voted for a loan of State Credit to Railroads, any of said Companies proposing to avail themselves of the loan herein provided for, and to accept the conditions of the same, shall notify the Governor thereof, and shall, within sixty days commence the construction of their roads, and shall, within two years thereafter, construct ready for the superstructure, at least fifty (50) miles of their road. Each company shall make provision for the punctual payment and redemption of all bonds issued and delivered as aforesaid, to said Company, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the Treasury of

an accurate entry of each sum received, and of each payment and transfer; and if any of said officers or other persons shall convert to his own use in any manner or form, or shall loan, with or without interest, or shall deposit in his own name, or otherwise than in the name of the State of Minnesota; or shall deposit in banks or with any person or persons, or exchange for other funds or property, any portion of the funds of the State or the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid State and school funds, or either of the same, as shall thus be taken, or loaned, or deposited or exchanged, and shall be a felony; and any failure to pay over, produce or account for the State school funds, or any part of the same entrusted to such officer or persons as by law required on demand, shall be held and be taken to be prima facie evidence of such embezzlement.[38]

SEC. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz.:

First—The legislature shall have no power to pass any law sanctioning

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this State from any advances of money for that purpose; and as security therefor, the Governor shall demand and receive from each of said Companies, before any of said bonds are issued, an instrument pledging the net profits of its road, for the payment of said interest, and a conveyance to the State of the first two hundred and forty sections of land, free from prior incumbrances, which such Company is or may be authorized to sell in trust for the better security of the Treasury of the State from loss on said bonds, which said deed of trust shall authorize the Governor and Secretary of State to make conveyances of title to all or any of such lands, to purchasers agreeing with the respective Railroad Companies therefor. *Provided*, That before releasing the interest of the State to such lands, such sale shall be approved by the Governor, but the proceeds of all such sales shall be applied to the payment of interest accruing upon the bonds in case of default of the payment of the same, and as a sinking fund to meet any further default in the payment of interest and the principal thereof when due; and as further security, an amount of first mortgage bonds on the roads, lands and franchises of the respective Companies, corresponding to the State bonds issued, shall be transferred to the Treasurer of the State at the time of the issue of State bonds, and in case either of said Companies shall make default in payment of either the interest or principal of the bonds issued to said Companies by the Governor, no more State bonds shall thereafter be issued to said Company, and the Governor shall proceed in such manner as may be prescribed by law, to sell the bonds of the defaulting Company or Companies, or the lands held in trust as above, or may require a foreclosure of the mortgage executed to secure the same: Provided, That if any company so in default, before the day of sale, shall pay all interest and principal then due, and all expenses incurred by the State, no sale shall take place, and the right of said company shall not be impaired to a further loan of State credit: Provided, If any of said companies shall at any time offer to pay the principal, together with the interest that may then be due upon any of the Minnesota State Railroad Bonds, which may have been issued under the provisions of this Section, then the Treasurer of State shall receive the same; and the liabilities of said company or companies, in respect to said bonds shall cease upon such payment into the State Treasury, of principal, together with the interest as aforesaid: Provided further, That in consideration of the loan of State credit herein provided, that the company or companies which may accept the bonds of the State in the manner herein specified, shall, as a condition thereof, each complete not less than fifty miles of its road on or before the expiration of the year 1861, and not less than one hundred miles before the year 1864, and complete four-fifths of the entire length of its road before the year 1866, and any failure on the part of any such company to complete the number of miles of its road or roads, in the manner and within the several times herein prescribed, shall forfeit to the State, all the right, title and interest of any kind whatsoever in and to any lands, together with the franchises connected with the same not pertaining or applicable to the portion of the road by them constructed, and a fee simple to which has not accrued to either of said companies, by reason of such construction, which was granted to the company or companies, thus failing to comply with the provisions hereof, by act of the Legislature of the Territory of Minnesota, vesting said land in said companies respectively.

[38] Amendment proposed by the legislature of 1873 and ratified at the election of November 4, 1873. The text of the original section is as follows: Sec. 12. Suitable laws shall be passed by the Legislature for the safe keeping, transfer, and disbursement of the State and School funds, and all officers and other persons charged with the same shall be required to give ample security for all moneys and funds of any kind, to keep an accurate entry of each sum received, and of each payment and transfer, and if any of said officers or other persons shall convert to his own use in any form, or shall loan with or without interest, contrary to law, or shall deposit in banks, or exchange for other funds, any portion of the funds of the State, every such act shall be adjudged to be an embezzlement of so much of the State funds as shall be thus taken, and shall be declared a felony, and any failure to pay over or produce the State or School funds intrusted to such persons, on demand, shall be held and taken to be prima facie evidence of such embezzlement.

in any manner, directly, or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

Second—The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or State stocks for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

Third—The stockholders in any corporation and joint association for banking purposes, issuing bank notes, shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Fourth—In case of the insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Fifth—Any general banking law which may be passed in accordance with this article shall provide for recording the names of all stockholders in such corporation, the amount of stock held by each, the time of transfer, and to whom transferred.

SEC. 14. (a) For the purpose of erecting and completing buildings for a hospital for the insane, a deaf, dumb and blind asylum, the state prison, the legislature may by law increase the public debt of the State to an amount not exceeding $250,000, in addition to the public debt already heretofore authorized by the Constitution; and for that purpose may provide by law for issuing and negotiating the bonds of the State, and appropriate the money only for the purpose aforesaid; which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the State.

SEC. 14. (b) The legislature shall not authorize any county, township, city or other municipal corporation to issue bonds or to become indebted in any manner to aid in the construction or equipment of any or all railroads to any amount that shall exceed ten per centum of the value of the taxable property within such county, township, city, or other municipal corporation; the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness. Nov. 5, 1872.[39]

SEC. 15. The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds, or to become indebted in any manner, to aid in the construction or equipment of any or all railroads to any amount that shall exceed five (5) per centum of the value of the taxable property within such county, township, city, or other municipal corporation. The amount of such taxable property to be ascertained and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness.[40]

SEC. 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund, to be known as the "state road and bridge fund," said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund however provided.

The legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing, in its discretion, for an annual tax levy upon the property of this state of not to

[39] Sections 14(a) and 14(b) are new sections; they were proposed by the legislature of 1872, were ratified by the electors on November 5, 1872, and promulgated on December 2, 1872. Section 14(b) was superseded but not expressly repealed by Section 15 following.

[40] Section 15 is a new section; it was proposed by the legislature of 1879 and was ratified by the electors on November 4, 1879.

exceed in any year one mill on all the taxable property within the state. Provided, that no county shall receive in any year more than three (3) per cent. or less than one-half (½) of one (1) per cent. of the total fund thus provided and expended during such year.[41]

[SECTION 17. Repealed in 1906.][42]

ARTICLE X.

OF CORPORATIONS HAVING NO BANKING PRIVILEGES.

SECTION 1. The term "Corporation," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as, embrace banking privileges, and all corporations shall have the right to sue, and shall be liable to be sued in all courts, in like manner as natural persons.

SEC. 2. No corporations shall be formed under special acts, except for municipal purposes.

SEC. 3. Each stockholder in any corporation (excepting those organized

[41] Section 16 is a new section; it was proposed by the legislature of 1897, was ratified on November 8, 1898, and was proclaimed on December 29, 1898; the section as adopted was modified by an amendment proposed by the legislature of 1911, ratified by the electors on November 5, 1912, and officially proclaimed on December 3, 1912. The text of the section as originally adopted is as follows: SEC. 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund to be known as the "State Road and Bridge Fund." Said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

The legislature is authorized to add to such fund for the purpose of constructing or improving roads and bridges of this State, by providing, in its discretion, for an annual tax levy upon the property of this State of not to exceed in any year one-twentieth (1-20) of one (1) mill on all the taxable property within the State.

The legislature is also authorized to provide for the appointment, by the governor of the State, of a board to be known as the "State Highway Commission," consisting of three (3) members, who shall perform such duties as shall be prescribed by law without salary or compensation other than personal expenses.

Such commission shall have general superintendence of the construction of State roads and bridges and shall use such funds in the construction thereof and distribute the same in the several counties in the State upon an equitable basis. Provided, further, that no county shall receive in any year more than three (3) per cent or less than one-half (½) of one (1) per cent. of the total fund thus provided and expended during such year; and, provided further, that no more than one-third (1-3) of such fund accruing in any year shall be expended for bridges, and in no case shall more than one-third (1-3) of the cost of constructing or improving nay road or bridge be paid by the State from such fund.

[42] Section 17 was superseded by section 1 of this Article. See Note 34. The text of Section 17, which was proposed as a new section by the legislature of 1895, ratified by the electors on November 3, 1896, and officially proclaimed on December 29, 1896, is as follows: SEC. 17. The legislature may impose, or provide for the imposition of, upon the property within the State of any and all owners or operators, whether corporate or individual, or otherwise, of any and all sleeping, parlor and drawing room cars, or any of either of the same, which run in, into or through this State; also upon the property within this state of any and all telegraph and telephone companies, or owners, whose lines are in, or extend in, into or through this State; also upon the property within this state of all express companies, or owners, or any or either of the same, doing business in this State; also upon the property within this State of all domestic insurance companies of this State of any kind; also upon the property within this State of all owners or operators of any and all mines or of mineral ores situated in this State; also upon the property within this State of all boom companies or owners, and of all ship builders or owners doing business in this State or having a port therein; provided, that this act shall not apply to property owned by railroad companies, their lands and other property; and upon the property of either or any of such companies or owners a tax, as uniform as reasonably may be with the taxes imposed upon similar property in said state, or upon the earnings thereof within this State, but may be graded or progressive. Both, and in providing for such tax, or in providing for ascertaining the just and true value of such property, it shall be competent for the legislature, in either or all such cases, to impose such tax, upon any or all property thereof within this State and in either case by taking as the basis of such imposition the proportionate business, earnings, mileage or quantity of production or property now or hereafter existing of any such companies, persons or owners, transacted or existing in this State, in relation to the entire business, mileage or quantity of production or property of such companies, persons or owners as aforesaid; or in such other manner, or by such other method, as the legislature may determine; but the proceeds of such taxes upon mining property shall be distributed between the State and the various political subdivisions thereof wherein the same is situated in the same proportion as the proceeds of taxes

for the purpose of carrying on any kind of manufacturing or mechanical business) shall be liable to the amount of stock held or owned by him.[43]

SEC. 4. Lands may be taken for public way, for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions of manufacturers on equal and reasonable terms.

ARTICLE XI.

COUNTIES AND TOWNSHIPS.

SECTION 1. The legislature may from time to time establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

SEC. 2. The legislature may organize any city into a separate county when it has attained a population of 20,000 inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

SEC. 3. Laws may be passed providing for the organization for municipal and other town purposes, of any congressional or fractional townships in the several counties in the State, provided that when a township is divided by county lines or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

SEC. 4. Provisions shall be made by law for the election of such county or township officers as may be necessary.

SEC. 5. Any county and township organization shall have such power of local taxation as may be prescribed by law.

SEC. 6. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 7. That the county of Manomin is hereby abolished, and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.[44]

ARTICLE XII.

OF THE MILITIA.

SECTION 1. It shall be the duty of the legislature to pass such laws for the organization, discipline and service of the militia of the State as may be deemed necessary.

ARTICLE XIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts, may be impeached

upon real property are distributed; provided further, that nothing in this act contained shall operate to authorize the assessment or taxation of land or ordinary business blocks or property owned by any such corporation, person, firm or company, except in the manner provided by the ordinary methods of taxation.

[43] Amendment proposed by the legislature of 1872 and ratified by the electors on Nov. 5, 1872. The part enclosed in parenthesis is the amendment.

[44] Section 7 is a new section; it was proposed by the legislature of 1869 and was ratified at the election of Nov. 2, 1869.

for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such case shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this State. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 2. The legislature of this State may provide for the removal of inferior officers from office, for malfeasance or nonfeasance in the performance of their duties.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner to be provided by law, that a majority of all the electors voting at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.[45]

SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this Constitution, they shall recommend to the electors to vote at the next general election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XV.

MISCELLANEOUS SUBJECTS.

SECTION 1. The seat of government of the State shall be at the city of St. Paul, but the legislature, at their first or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government to the State; and in the event of the seat of government being removed from the city of St. Paul to any other place in the State, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts, to be organized by the legisla-

[45] Amendment proposed by the legislature of 1897, ratified by the electors on Nov. 3, 1898, and officially proclaimed on Dec. 29, 1898. The text of the original section is as follows: "SEC. 1. Whenever a majority of both Houses of the Legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection; and if it shall appear in a manner to be provided by law, that a majority of voters present and voting shall have ratified such alterations or amendments, the same shall be valid to all intents and purposes, as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

ture of the State, and of which institution the Minnesota Historical Society shall always be a department.

SEC. 2. Persons residing on Indian lands within the State shall enjoy all the rights and privileges of citizens, as though they lived in any other portion of the State, and shall be subject to taxation.

SEC. 3. The legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

SEC. 4. There shall be a seal of the State, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the State of Minnesota, and shall be attached to all the official acts of the governor (his signature to acts and resolves of the legislature excepted) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

SEC. 5. The territorial prison, as located under existing laws, shall, after the adoption of this Constitution, be and remain one of the state prisons of the State of Minnesota.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the Territory of Minnesota previous to its admission into the Union of the United States shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Minnesota not repugnant to this Constitution shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties or forfeitures accruing to the Territory of Minnesota shall inure to the State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent state government shall remain valid, and shall pass to and may be prosecuted in the name of the State; and all bonds executed to the governor of the Territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts, of whatsoever description, of the Territory of Minnesota, shall inure to and vest in the State of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the State of Minnesota as the same could have been by the Territory of Minnesota. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Minnesota, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Minnesota with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Minnesota, at the time of a change from a territorial to a state government, may be continued and transferred to any court of the State which shall have jurisdiction of the subject matter thereof.

SEC. 5. All territorial officers, civil or military, now holding their offices under the authority of the United States, or of the Territory of Minnesota,

shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

SEC. 6. The first session of the legislature of the State of Minnesota shall commence on the first Wednesday of December next, and shall be held at the capitol, in the city of St. Paul.

SEC. 7. The laws regulating the election and qualification of all district, county and precinct officers shall continue and be in force until the legislature shall otherwise provide by law.

SEC. 8. The president of this convention shall, immediately after the adjournment thereof, cause this Constitution to be deposited in the office of the governor of the Territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the State, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against the said Constitution, to the president of the United States, to be by him laid before the Congress of the United States.

SEC. 9. For the purposes of the first election, the State shall constitute one district, and shall elect three members to the House of Representatives of the United States.

SEC. 10. For the purposes of the first election for members of the State Senate and House of Representatives, the State shall be divided into senatorial and representative districts, as follows, viz: First district, Washington county; Second district, Ramsey county; Third district, Dakota county; Fourth district, so much of Hennepin county as lies west of the Mississippi; Fifth district, Rice county; Sixth district, Goodhue county; Seventh district, Scott county; Eighth district, Olmsted county; Ninth district, Fillmore county; Tenth district, Houston county; Eleventh district, Winona county; Twelfth district, Wabasha county; Thirteenth district, Mower and Dodge counties; Fourteenth district, Freeborn and Faribault counties; Fifteenth district, Steele and Waseca counties; Sixteenth district, Blue Earth and Le Sueur counties; Seventeenth district, Nicollet and Brown counties; Eighteenth district, Sibley, Renville and McLeod counties; Nineteenth district, Carver and Wright counties; Twentieth district, Benton, Stearns and Meeker counties; Twenty-first district, Morrison, Crow Wing and Mille Lacs counties; Twenty-second district, Cass, Pembina and Todd counties; Twenty-third district, so much of Hennepin county as lies east of the Mississippi; Twenty-fourth district, Sherburne, Anoka and Manomin counties; Twenty-fifth district, Chisago, Pine and Isanti counties; Twenty-sixth district, Buchanan, Carlton, St. Louis, Lake and Itasca counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the State line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

SEC. 12. The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows, to-wit:

1st	district	2	Senators	3	Representatives.
2d	"	3	"	6	"
3d	"	2	"	5	"
4th	"	2	"	4	"
5th	"	2	"	3	"
6th	"	1	"	4	"
7th	"	1	"	3	"
8th	"	2	"	4	"
9th	"	2	"	6	"
10th	"	2	"	3	"
11th	"	2	"	4	"
12th	"	1	"	3	"

13th	"	2	"	3	"
14th	"	1	"	3	"
15th	"	1	"	4	"
16th	"	1	"	3	"
17th	"	1	"	3	"
18th	"	1	"	3	"
19th	"	1	"	3	"
20th	"	1	"	3	"
21st	"	1	"	1	"
22nd	"	1	"	1	"
23rd	"	1	"	2	"
24th	"	1	"	1	"
25th	"	1	"	1	"
26th	"	1	"	1	"
		37		80	

SEC. 13. The returns from the Twenty-second district shall be made t and canvassed by the judges of election at the precinct of Otter Tail City.

SEC. 14. Until the legislature shall otherwise provide, the State shall b divided into judicial districts as follows, viz.

The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Bu chanan, Carlton, St. Louis and Lake shall constitute the First judicial dis trict.

The county of Ramsey shall constitute the Second judicial district.

The counties of Houston, Winona, Fillmore, Olmsted and Wabasha shal constitute the Third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd and Cas shall constitute the Fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge Mower and Freeborn shall constitute the Fifth judicial district.

The counties of Le Sueur, Sibley, Nicolett, Blue Earth, Faribault, Mc Leon, Renville, Brown, and all other counties in the State not included with in the other districts, shall constitute the Sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts may, a the first election, elect one prosecuting attorney for the district.

SEC. 16. Upon the second Tuesday, the thirteenth day of October, 1857 an election shall be held for members of the House of Representatives of th United States, governor, lieutenant governor, supreme and district judges, men bers of the legislature, and all other officers designated in this Constitutio and also for the submission of this Constitution to the people, for their ado tion or rejection.

SEC. 17. Upon the day so designated as aforesaid every free white mal inhabitant over the age of twenty-one years, who shall have resided withi the limits of the State for ten days previous to the day of said election, ma vote for all officers to be elected under this Constitution at such electio and also for or against the adoption of this Constitution.

SEC. 18. In voting for or against the adoption of this Constitution, th words, "For Constitution," or "Against Constitution," may be written printed on the ticket of each voter, but no voter shall vote for or against thi Constitution, on a separate ballot from that cast by him for officers to b elected at said election under this Constitution; and if upon the canvass the vote so polled it shall appear that there was a greater number of vot polled for than against said Constitution, then this Constitution shall b deemed to be adopted as the Constitution of the State of Minnesota, and a the provisions and obligations of this Constitution, and of the schedule there unto attached, shall thereafter be valid to all intents and purposes as th Constitution of said State.

SEC. 19. At said election the polls shall be opened, the election held returns made, and certificates issued, in all respects as provided by law fo

opening, closing and conducting elections and making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

SEC. 20. It shall be the duty of the judges and clerks of election, in addition to the returns required by law for each precinct, to forward to the secretary of the Territory, by mail, immediately after the close of the election, a certified copy of the poll book containing the name of each person who has voted in the precinct and the number of votes polled for and against the adoption of this Constitution.

SEC. 21. The returns of said election for and against this Constitution, and for all state officers and members of the House of Representatives of the United States, shall be made, and certificates issued in the manner now prescribed by law for returning votes given for delegates to Congress; and the returns for all district officers, judicial, legislative or otherwise, shall be made to the register of deeds of the senior county in each district, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the Territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegates to Congress.

SEC. 22. If, upon canvassing the votes for and against the adoption of this Constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificate of election shall be issued for any State or district officer provided for in this Constitution, and no State organization shall have validity within the limits of the Territory, until otherwise provided for and until a Constitution for a State government shall have been adopted by the people.

CONSTITUTION OF MISSISSIPPI—1890.*

We, the people of Mississippi, in Convention assembled, grateful to Almighty God, and invoking His blessing on our work, do ordain and establish this Constitution.

ARTICLE I.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them confided to a separate magistracy, to-wit: those which are legislative to one; those which are judicial to another; and those which are executive to another.

SEC. 2. No person or collection of persons, being one, or belonging to one of these departments, shall exercise any power properly belonging to either of the others. The acceptance of an office in either of said departments shall of itself, and at once, vacate any and all offices held by the person so accepting in either of the other departments.

ARTICLE II.

BOUNDARIES OF THE STATE.

SEC. 3. The limits and boundaries of the State of Mississippi are as follows, to-wit: Beginning on the Mississippi river (meaning thereby the center of said river or thread of the stream) where the southern boundary line of the State of Tennessee strikes the same, as run by B. A. Ludlow, D. W. Connelly and W. Petrie, commissioners appointed for that purpose on the part of the State of Mississippi in A. D. 1837, and J. D. Graham and Austin Miller, commissioners appointed for that purpose on the part of Tennessee; thence east along the said boundary line of the State of Tennessee to a point on the west bank of the Tennessee river, six four-pole chains south of and above the mouth of Yellow Creek; thence up the said river to the mouth of Bear Creek; thence by a direct line to what was formerly the northwest corner of the county of Washington, Alabama; thence on a direct line to a point ten miles east of the Pascagoula river on the Gulf of Mexico; thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of Pearl river with Lake Borgne; thence up said Pearl river to the thirty-first degree of north latitude; thence west along the said degree of latitude to the middle or thread of the stream of the Mississippi river; thence up the middle of the Mississippi river, or thread of the stream, to the place of beginning, including all islands lying east of the thread of the stream of said river, and also including any lands which were at any time heretofore a part of this State.

SEC. 4. The legislature shall have power to consent to the acquisition of additional territory by the State and to make the same a part thereof; and the legislature may settle disputed boundaries between this State and its coterminous States whenever such disputes arise.

ARTICLE III.

BILL OF RIGHTS.

SEC. 5. All political power is vested in, and derived from, the people; all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 6. The people of this State have the inherent, sole and exclusive right to regulate the internal government and police thereof, and to alter and

* The constitution of Mississippi was drafted by a convention which assembled at Jackson on Aug. 12, 1890, and adjourned on Nov. 1, 1890. The constitution was not submitted to the people for ratification but was promulgated and proclaimed in force on Nov. 1, 1890, and in *Sproule v. Frederick*, 69 Miss. 898, it was held that the ratification of the constitution by the people was not necessary to its validity.

abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness; provided, such change be not repugnant to the constitution of the United States.

SEC. 7. The right to withdraw from the Federal Union on account of any real or supposed grievance, shall never be assumed by this State, nor shall any law be passed in derogation of the paramount allegiance of the citizens of this State to the government of the United States.

SEC. 8. All persons resident in this State, citizens of the United States, are hereby declared citizens of the State of Mississippi.

SEC. 9. The military shall be in strict subordination to the civil power.

SEC. 10. Treason against the State shall consist only in levying war against the same or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 11. The right of the people peaceably to assembly and petition the government on any subject shall never be impaired.

SEC. 12. The right of every citizen to keep and bear arms in defense of his home, person or property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but the legislature may regulate or forbid carrying concealed weapons.

SEC. 13. The freedom of speech and of the press shall be held sacred, and in all prosecutions for libel the truth may be given in evidence, and the jury shall determine the law and the facts under the direction of the court; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 14. No person shall be deprived of life, liberty or property, except by due process of law.

SEC. 15. There shall be neither slavery nor involuntary servitude in this State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

SEC. 16. Ex post facto laws, or laws impairing the obligation of contracts, shall not be passed.

SEC. 17. Private property shall not be taken or damaged for public use except on due compensation being first made to the owner or owners thereof, in a manner to be prescribed by law; and whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be public shall be a judicial question, and as such determined without regard to legislative assertion that the use is public.

SEC. 18. No religious test as a qualification for office shall be required; and no preference shall be given by law to any religious sect, or mode of worship; but the free enjoyment of all religious sentiments and the different modes of worship shall be held sacred. The rights hereby secured shall not be construed to justify acts of licentiousness injurious to morals or dangerous to the peace and safety of the State, or to exclude the Holy Bible from use in any public school of this State.

SEC. 19. Human life shall not be imperiled by the practice of dueling; and any citizen of this State who shall hereafter fight a duel, or assist in the same as second, or send, accept, or knowingly carry a challenge therefor, whether such act be done in the State, or out of it, or who shall go out of the State to fight a duel, or to assist in the same as second, or to send, accept or carry a challenge, shall be disqualified from holding any office under this constitution and shall be disfranchised.

SEC. 20. No person shall be elected or appointed to office in this State for life or during good behavior, but the term of all offices shall be for some specified period.

SEC. 21. The privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion, the public safety may require it, nor ever without the authority of the legislature.

SEC. 22. No person's life or liberty shall be twice placed in jeopardy for

the same offense; but there must be an actual acquittal or conviction on the merits to bar another prosecution.

SEC. 23. The people shall be secure in their persons, houses and possessions, from unreasonable seizure or search; and no warrant shall be issued without probable cause, supported by oath or affirmation, specially designating the place to be searched and the person or thing to be seized.

SEC. 24. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice shall be administered without sale, denial or delay.

SEC. 25. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself before any tribunal in this State, by him or herself, or counsel, or both.

SEC. 26. In all criminal prosecutions the accused shall have a right to be heard by himself or counsel, or both, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and in all prosecutions by indictment or information, a speedy and public trial by an impartial jury of the county where the offense was committed; and he shall not be compelled to give evidence against himself; but in prosecutions for rape, adultery, fornication, sodomy or the crime against nature, the court may in its discretion exclude from the court room all persons except such as are necessary in the conduct of the trial.

SEC. 27. No person shall for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or the militia when in actual service, or by leave of the court for misdemeanor in office; but the legislature in cases not punishable by death or by imprisonment in the penitentiary, may dispense with the inquest of the grand jury, and may authorize prosecutions before justices of the peace, or such other inferior court or courts as may be established, and the proceedings in such cases shall be regulated by law.

SEC. 28. Cruel or unusual punishment shall not be inflicted, nor excessive fines be imposed.

SEC. 29. Excessive bail shall not be required; and all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses when the proof is evident or presumption great.

SEC. 30. There shall be no imprisonment for debt.

SEC. 31. The right of trial by jury shall remain inviolate, but the legislature may, by enactment, provide that in all civil suits tried in the circuit or chancery courts, nine or more jurors may agree on the verdict, and return it as the verdict of the jury.[1]

SEC. 32. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by, and inherent in, the people.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SEC. 33. The legislative power of this State shall be vested in the legislature, which shall consist of a senate, and a house of representatives.

SEC. 34. The house of representatives shall consist of members chosen every four years by the qualified electors of the several counties and representative districts.

SEC. 35. The senate shall consist of members to be chosen every four years by the qualified electors of the several districts.

SEC. 36. The legislature shall meet at the seat of government in regular sessions on the first Tuesday after the first Monday in January of the year A. D. 1912, and every two years thereafter, unless sooner convened by the Governor.[2]

[1] Amendment proposed by the legislature of 1914, ratified by the electors on Nov 3, 1914, and formally inserted in the constitution by the legislature of 1916.

[2] Amendment proposed by the legislature of 1910, ratified by the electors on Nov 8, 1910, and formally inserted in the constitution by the legislature of 1912.

SEC. 37. Elections for members of the legislature shall be held in the several counties and districts as provided by law.

SEC. 38. Each house shall elect its own officers, and shall judge of the qualifications, return and election of its own members.

SEC. 39. The senate shall choose a president pro tempore to act in the absence or disability of its presiding officer.

QUALIFICATIONS AND PRIVILEGES OF LEGISLATORS.

SEC. 40. Members of the legislature before entering upon the discharge of their duties shall take the following oath: "I, —— ——, do solemnly swear (or affirm) that I will faithfully support the constitution of the United States and of the State of Mississippi; that I am not disqualified from holding office by the constitution of this State; that I will faithfully discharge my duties as a legislator; that I will, as soon as practicable hereafter, carefully read (or have read to me) the constitution of this State, and will endeavor to note, and as a legislator, to execute all the requirements thereof imposed on the legislature; and I will not vote for any measure or person because of a promise of any other member of this legislature to vote for any measure or person, or as a means of influencing him or them to do so. So help me God."

SEC. 41. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, and who shall not be a qualified elector of the State, and who shall not have been a resident citizen of the State four years, and of the county two years, immediately preceding his election. The seat of a member of the house of representatives shall be vacated on his removal from the county or flotorial district from which he was elected.

SEC. 42. No person shall be a senator who shall not have attained the age of twenty-five years, who shall not have been a qualified elector of the State four years, and who shall not be an actual resident of the district or territory he may be chosen to represent, for two years before his election. The seat of a senator shall be vacated upon his removal from the district from which he was elected.

SEC. 43. No person liable as principal for public moneys unaccounted for shall be eligible to a seat in either house of the legislature, or to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may have been liable.

SEC. 44. No person shall be eligible to a seat in either house of the legislature, or to any office of profit or trust, who shall have been convicted of bribery, perjury, or other infamous crime; and any person who shall have been convicted of giving, or offering, directly, or indirectly, any bribe to procure his election or appointment; and any person who shall give, or offer any bribe to procure the election or appointment of any person to office, shall, on conviction thereof, be disqualified from holding any office of profit or trust under the laws of this State.

SEC. 45. No senator or representative during the term for which he was elected, shall be eligible to any office of profit, which shall have been created, or the emoluments of which have been increased, during the time such senator or representative was in office, except to such offices as may be filled by an election of the people.

SEC. 46. The members of the legislature shall severally receive from the State treasury, compensation for their services, to be prescribed by law, which may be increased or diminished, but no alteration of such compensation of members shall take effect during the session at which it is made.

SEC. 47. No member of the legislature shall take any fee or reward or be counsel in any measure pending before either house of the legislature, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house, of which he is a member.

SEC. 48. Senators and representatives shall, in all cases, except treason, felony, theft or breach of the peace, be privileged from arrest during the session of the legislature, and for fifteen days before the commencement and after the termination of each session.

TRIAL OF OFFICERS.

SEC. 49. The house of representatives shall have the sole power of impeachment; but two-thirds of all the members present must concur therein. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be sworn to do justice according to law and the evidence.

SEC. 50. The governor, and all other civil officers of this State, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

SEC. 51. Judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit in this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment and punishment according to law.

SEC. 52. When the governor shall be tried, the chief justice of the supreme court shall preside; and when the chief justice is disabled, disqualified, or refuses to act, the judge of the supreme court, next oldest in commission, shall preside; and no person shall be convicted without the concurrence of two-thirds of all the senators present.

SEC. 53. For reasonable cause, which shall not be sufficient ground of impeachment, the governor shall, on the joint address of two-thirds of each branch of the legislature, remove from office the judges of the supreme and inferior courts; but the cause or causes of removal shall be spread on the journal, and the party charged be notified of the same and have an opportunity to be heard by himself or counsel, or both, before the vote is finally taken and decided.

RULES OF PROCEDURE.

SEC. 54. A majority of each house shall constitute a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each shall provide.

SEC. 55. Each house may determine rules of its own proceedings, punish its members for disorderly behavior; and with the concurrence of two-thirds of the members present, expel a member; but no member, unless expelled for theft, bribery or corruption, shall be expelled a second time for the same offense. Both houses shall from time to time, publish journals of their proceedings, except such parts as may in their opinion require secrecy; and the yeas and nays, on any question, shall be entered on the journal, at the request of one-tenth of the members present; and the yeas and nays shall be entered on the journal on the final passage of every bill.

SEC. 56. The style of the laws of the State shall be: "Be it enacted by the legislature of the State of Mississippi."

SEC. 57. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 58. The doors of each house, when in session, or in committee of the whole, shall be kept open, except in cases which may require secrecy; and each house may punish, by fine and imprisonment, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence, or who shall in any way disturb its deliberations during the session; but such imprisonment shall not extend beyond the final adjournment of that session.

SEC. 59. Bills may originate in either house and be amended or rejected in the other; and every bill shall be read on three different days in each house unless two-thirds of the house where the same is pending shall dispense with the rules; and every bill shall be read in full immediately before the vote on its final passage; and every bill having passed both houses, shall be signed by the president of the senate and the speaker of the house of representatives, in open session; but before either shall sign any bill, he shall give notice thereof, suspend business in the house over which he presides, have the bill

ead by its title, and on demand of any member, have it read in full; and ll such proceedings shall be entered on the journal.

SEC. 60. No bill shall be so amended in its passage through either house s to change its original purpose, and no law shall be passed except by bill; but rders, votes and resolutions of both houses, affecting the prerogatives and uties thereof, or relating to adjournment, to amendments to the constitution, o the investigation of public officers, and the like, shall not require the signaure of the governor; and such resolutions, orders and votes, may empower legisative committees to administer oaths, to send for persons and papers, and enerally make legislative investigations effective.

SEC. 61. No law shall be revived or amended by reference to its title nly, but the section or sections as amended, or revived, shall be inserted at ength.

SEC. 62. No amendment to bills by one house shall be concurred in by he other, except by a vote of a majority thereof, taken by yeas and nays nd the names of those voting for and against recorded upon the journals; nd reports of committees of conference shall in like manner be adopted in ach house.

SEC. 63. No appropriation bill shall be passed by the legislature which oes not fix definitely the maximum sum thereby authorized to be drawn from he treasury.

SEC. 64. No bill passed after the adoption of this constitution to make ppropriations of money out of the State treasury, shall continue in force ore than six months after the meeting of the legislature at its next regular ession; nor shall such bill be passed except by the votes of a majority of all he members elected to each house of the legislature.

SEC. 65. All votes on the final passage of any measure shall be subject to econsideration for at least one whole legislative day, and no motion to reconider such vote shall be disposed of adversely on the day on which the original ote was taken, except on the last day of the session.

SEC. 66. No law granting a donation or gratuity in favor of any person r object shall be enacted except by the concurrence of two-thirds of the members lect of each branch of the legislature, nor by any vote for a sectarian purpose r use.[3]

SEC. 67. No new bills shall be introduced into either house of the legisature during the last three days of the session.

SEC. 68. Appropriation and revenue bills shall, at regular sessions of the egislature, have precedence in both houses over all other business, and no uch bills shall be passed during the last five days of the session.

SEC. 69. General appropriation bills shall contain only the appropriations o defray the ordinary expenses of the executive, legislative and judicial departments of the government, to pay interest on State bonds, and to support the ommon schools. All other appropriations shall be made by separate bills, ach embracing but one subject. Legislation shall not be engrafted on appropriation bills, but the same may prescribe the conditions on which the money ay be drawn, and for what purposes paid.

SEC. 70. No revenue bill nor any bill providing for assessments of property for taxation, shall become a law, except by a vote of at least three-fifths f the members of each house present, and voting.

SEC. 71. Every bill introduced into the legislature shall have a title, and he title ought to indicate clearly the subject matter, or matters, of the proosed legislation. Each committee to which a bill may be referred, shall exress in writing its judgment of the sufficiency of the title of the bill, and his, too, whether the recommendation be that the bill do pass, or do not ass.

SEC. 72. Every bill which shall pass both houses shall be presented to he governor of the State. If he approve, he shall sign it, but if he does not pprove, he shall return it, with his objection, to the house in which it origi-

[3] Amendment proposed by the legislature of 1906, ratified by the electors on Nov. , 1906, and formally inserted in the constitution by the legislature of 1908.

nated, which shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, with the objections, to the other house by which, likewise, it shall be reconsidered, and if approved by two-thirds of that house, it shall become a law; but in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for, and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within five days (Sunday excepted) after it has been presented to him, it shall become a law, in like manner as if he had signed it, unless the legislature, by adjournment, prevent its return; in which case it shall be a law unless sent back within three days after the beginning of the next session of the legislature. No bill shall be approved when the legislature is not in session.

SEC. 73. The governor may veto parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law.

SEC. 74. No bill shall become a law until it shall have been referred to a committee of each house and returned therefrom with a recommendation in writing.

SEC. 75. No law of a general nature, unless therein otherwise provided, shall be enforced until sixty days after its passage.

SEC. 76. In all elections by the legislature the members shall vote viva voce, and the votes shall be entered on the journals.

SEC. 77. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature, and the persons thereupon chosen shall hold their seats for the expired term.

INJUNCTION.

SEC. 78. It shall be the duty of the legislature to regulate by law the cases in which deductions shall be made from salaries of public officers, for neglect of official duty and the amount of said deduction.

SEC. 79. The legislature shall provide by law for the sale of all delinquent tax lands. The courts shall apply the same liberal principles in favor of such titles as in sale by execution. The right of redemption from all sales of real estate, for the non-payment of taxes, or special assessments, of any and every character whatsoever, shall exist, on conditions to be prescribed by law in favor of owners and persons interested in such real estate, for a period of not less than two years.

SEC. 80. Provision shall be made by general laws to prevent the abuse by cities, towns and other municipal corporations of their powers of assessment taxation, borrowing money and contracting debts.

SEC. 81. The legislature shall never authorize the permanent obstruction of any of the navigable waters of this State; but may provide for the removal of such obstructions as now exist, whenever the public welfare demands; this section shall not prevent the construction, under proper authority, of draw bridges for railroads, or other roads, nor the construction of "booms and chutes" for logs in such manner as not to prevent the safe passage of vessels, or logs under regulations to be provided by law.

SEC. 82. The legislature shall fix the amount of the penalty of all official bonds, and may, as far as practicable, provide that the whole or a part of the security required for the faithful discharge of official duty shall be made by some guarantee company or companies.

SEC. 83. The legislature shall enact laws to secure the safety of persons from fires in hotels, theatres and other public places of resort.

SEC. 84. The legislature shall enact laws to limit, restrict or prevent the acquiring and holding of land in this State by non-resident aliens, and may limit or restrict the acquiring or holding of lands by corporations.

SEC. 85. The legislature shall provide by general law for the working of public roads by contract or by county prisoners, or both. Such law may be put in operation only by a vote of the board of supervisors in those counties where it may be desirable.

SEC. 86. It shall be the duty of the legislature to provide by law for

the treatment and care of the insane; and the legislature may provide for the care of the indigent sick in the hospitals in the State.

LOCAL LEGISLATION.

SEC. 87. No special or local law shall be enacted for the benefit of individuals or corporations, in cases which are, or can be provided for by a general law, or where the relief sought can be given by any court of this State; nor shall the operation of any general law be suspended by the legislature for the benefit of any individual or private corporation or association, and in all cases where a general law can be made applicable, and would be advantageous, no special law shall be enacted.

SEC. 88. The legislature shall pass general laws, under which local and private interests shall be provided for and protected, and under which cities and towns may be chartered and their charters amended, and under which corporations may be created, organized, and their acts of incorporation altered; and all such laws shall be subject to repeal or amendment.

SEC. 89. There shall be appointed in each house of the legislature a standing committee on local and private legislation; the house committee to consist of seven representatives, and the senate committee, of five senators. No local or private bill shall be passed by either house until it shall have been referred to said committee thereof, and shall have been reported back with a recommendation in writing that it do pass, stating affirmatively the reasons therefor, and why the end to be accomplished should not be reached by a general law, or by a proceeding in court; or if the recommendation of the committee be that the bill do not pass, then it should not pass the house to which it is so reported unless it be voted for by a majority of all the members elected thereto. If a bill is passed in conformity to the requirements hereof, other than such as are prohibited in the next section, the courts shall not, because of its local, special or private nature, refuse to enforce it.

SEC. 90. The legislature shall not pass local, private or special laws in any of the following enumerated cases, but such matters shall be provided for only by general laws, viz:

(a) Granting divorces.

(b) Changing the names of persons, places or corporations.

(c) Providing for changes of venue in civil and criminal cases.

(d) Regulating the rate of interest on money.

(e) Concerning the settlement or administration of any estate, or the sale or mortgage of any property, of any infant, or of a person of unsound mind, or of any deceased person.

(f) The removal of the disability of infancy.

(g) Granting to any person, corporation, or association, the right to have any ferry, bridge, road or fish-trap.

(h) Exemption of property from taxation, or from levy or sale.

(i) Providing for the adoption or legitimation of children.

(j) Changing the law of descent and distribution.

(k) Exempting any person from jury, road, or other civil duty (and no person shall be exempted therefrom by force of any local or private law).

(l) Laying out, opening, altering and working roads and highways.

(m) Vacating any road or highway, town plat, street, alley or public grounds.

(n) Selecting, drawing, summoning or empaneling grand or petit juries.

(o) Creating, increasing, or decreasing the fees, salary or emoluments of any public officer.

(p) Providing for the management or support of any private or common school, incorporating the same or granting such school any privileges.

(q) Relating to stock laws, water courses and fences.

(r) Conferring the power to exercise the right of eminent domain, or granting to any person, corporation, or association the right to lay down railroad tracks, or street car tracks, in any other manner than that prescribed by general law.

(s) Regulating the practice in courts of justice.

(t) Providing for the creation of districts for the election of justices of the peace and constables.

(u) Granting any lands under control of the State to any person or corporation.

PROHIBITIONS.

SEC. 91. The legislature shall not enact any law for one or more counties, not applicable to all the counties of the State, increasing the uniform charge for the registration of deeds, or regulating costs and charges and fees of officers.

SEC. 92. The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.

SEC. 93. The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer.

SEC. 94. The legislature shall never create by law any distinction between the rights of men and women to acquire, own, enjoy, and dispose of property of all kinds, or their power to contract in reference thereto. Married women are hereby fully emancipated from all disability on account of coverture. But this shall not prevent the legislature from regulating contracts between husband and wife; nor shall the legislature be prevented from regulating the sale of homesteads.

SEC. 95. Lands belonging to, or under the control of the State, shall never be donated directly, or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it is subject to sale to individuals. This, however, shall not prevent the legislature from granting a right of way, not exceeding one hundred feet in width, as a mere easement, to railroads across State land, and the legislature shall never dispose of the land covered by said right of way so long as such easement exists.

SEC. 96. The legislature shall never grant extra compensation, fee or allowance, to any public officer, agent, servant or contractor, after service rendered, or contract made, nor authorize payment, or part payment, of any claim under any contract, not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing, or suppressing insurrections.

SEC. 97. The legislature shall have no power to revive any remedy which may have become barred by lapse of time, or by any statute of limitation of this State.

SEC. 98. No lottery shall ever be allowed, or be advertised by newspapers, or otherwise, or its tickets be sold in this State; and the legislature shall provide by law for the enforcement of this provision; nor shall any lottery heretofore authorized be permitted to be drawn or its tickets sold.

SEC. 99. The legislature shall not elect any other than its own officers, State librarian, and United States senators; but this section shall not prohibit the legislature from appointing presidential electors.

SEC. 100. No obligation or liability of any person, association, or corporation held or owned by this State, or levee board, or any county, city, or town thereof, shall ever be remitted, released or postponed, or in any way diminished by the legislature, nor shall such liability or obligation be extinguished except by payment thereof into the proper treasury; nor shall such liability, or obligation be exchanged or transferred except upon payment of its face value; but this shall not be construed to prevent the legislature from providing by general law for the compromise of doubtful claims.

SEC. 101. The seat of government of the State shall be at the city of Jackson, and shall not be removed or relocated without the assent of a majority of the electors of the State.

MISCELLANEOUS.

SEC. 102. All general elections for State and county officers shall commence and be holden every four years, on the first Tuesday after the first

Monday in November, until altered by law; and the electors, in all cases except in cases of treason, felony and breach of the peace, shall be privileged from arrest during their attendance at elections and in going to and returning therefrom.

SEC. 103. In all cases not otherwise provided for in this constitution, the legislature may determine the mode of filling all vacancies, in all offices, and in cases of emergency provisional appointments may be made by the governor, to continue until the vacancy is regularly filled; and the legislature shall provide suitable compensation for all officers, and shall define their respective powers.

SEC. 104. Statutes of limitation in civil causes shall not run against the State, or any subdivision, or municipal corporation thereof.

SEC. 105. The legislature shall provide for the enumeration of the whole number of inhabitants, and the qualified electors of the State, once in every ten years; and the first enumeration shall be made during the two months beginning on the first Monday of June, 1895, and the legislature shall provide for the same by law.

SEC. 106. There shall be a State librarian, to be chosen by the legislature, on joint vote of the two houses, to serve for four years, whose duties and compensation shall be prescribed by law. Any woman, a resident of the State four years, and who has attained the age of twenty years, shall be eligible to said office.

SEC. 107. All stationery, printing, paper, and fuel, used by the legislature, and other departments of the government, shall be furnished, and the printing and binding of the laws, journals, department reports, and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislature, and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum and under such regulations as may be prescribed by law. No member of the legislature or officer of any department shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the Governor and State treasurer.

SEC. 108. Whenever the legislature shall take away the duties pertaining to any office, then the salary of the officer shall cease.

SEC. 109. No public officer or member of the legislature shall be interested directly or indirectly in any contract with the State, or any district, county, city or town thereof, authorized by any law passed, or order made by any board of which he may be or may have been a member, during the term for which he shall have been chosen, or within one year after the expiration of such term.

SEC. 110. The legislature may provide, by general law, for condemning rights of way for private roads, where necessary for ingress and egress by the party applying, on due compensation being first made to the owner of the property; but such rights of way shall not be provided for in incorporated cities and towns.

SEC. 111. All lands comprising a single tract sold in pursuance of decree of court, or execution, shall be first offered in subdivisions not exceeding one hundred and sixty acres, or one-quarter section, and then offered as an entirety, and the price bid for the latter shall control only when it shall exceed the aggregate of the bids for the same in subdivisions as aforesaid; but the chancery court, in cases before it, may decree otherwise if deemed advisable to do so.

SEC. 112. Taxation shall be uniform and equal throughout the State. All property shall be taxed in proportion to its value. The legislature may, however, impose a tax per capita upon such domestic animals as from their nature and habits are destructive of other property. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value. But the legislature may provide for a special mode of valuation and assessment of railroads, and railroad and other corporate property, or for particular species of property belonging to persons, corporations or associations not

situated wholly in one county. But all such property shall be assessed at its true value, and no county shall be denied the right to levy county and special taxes upon such assessment as in other cases of property situated and assessed in the county.

SEC. 113. The auditor shall, within sixty days after the adjournment of the legislature, prepare and publish a full statement of all money expended at such session, specifying the items and amount of each item, and to whom, and for what paid; and he shall also publish the amounts of all appropriations.

SEC. 114. Returns of all elections by the people shall be made to the secretary of state in such manner as shall be provided by law.

SEC. 115. The fiscal year of the State of Mississippi shall commence on the first day of October, and end on the thirtieth day of September of each year; and the auditor of public accounts and the treasurer of the State shall compile, and have published, a full and complete report, showing the transactions of their respective offices on or before the thirty-first day of December of each year for the preceding fiscal year.

ARTICLE V.

EXECUTIVE.

SEC. 116. The chief executive power of the State shall be vested in a governor, who shall hold his office for four years, and who shall be ineligible as his immediate successor in office.

SEC. 117. The governor shall be at least thirty years of age, and shall have been a citizen of the United States twenty years, and shall have resided in this State five years next preceding the day of his election.

SEC. 118. The governor shall receive for his services such compensation as may be fixed by law, which shall neither be increased nor diminished during his term of office.

SEC. 119. The governor shall be commander-in-chief of the army and navy of the State, and of the militia, except when they shall be called into the service of the United States.

SEC. 120. The governor may require information, in writing, from the officers in the executive departments of the State on any subject relating to the duties of their respective offices.

SEC. 121. The governor shall have power to convene the legislature in extraordinary session whenever in his judgment the public interest requires it. Should the governor deem it necessary to convene the legislature, he shall do so by public proclamation, in which he shall state the subjects and matters to be considered by the legislature when so convened; and the legislature when so convened, as aforesaid, shall have no power to consider or act upon subjects or matters other than those designated in the proclamation of the governor, by which the session is called, except impeachments, and examinations into the accounts of State officers. The legislature when so convened may also act on and consider such other matters as the governor may in writing submit to them while in session. The governor may convene the legislature at the seat of government, or at a different place, if that shall become dangerous from an enemy or from disease; and in case of a disagreement between the two houses, with respect to time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next stated meeting of the legislature.

SEC. 122. The governor shall, from time to time, give the legislature information of the state of the government, and recommend for consideration such measures as may be deemed necessary and expedient.

SEC. 123. The governor shall see that the laws are faithfully executed.

SEC. 124. In all criminal and penal cases, excepting those of treason and impeachment, the governor shall have power to grant reprieves and pardons, to remit fines, and in cases of forfeiture, to stay the collection, until the end of the next session of the legislature, and by and with the consent of the senate to remit forfeitures. In cases of treason, he shall have power to

grant reprieves, by and with the consent of the senate, but may respite the sentence until the end of the next session of the legislature; but no pardon shall be granted before conviction, and in cases of felony after conviction no pardon shall be granted until the applicant therefor shall have published for thirty days, in some newspaper in the county where the crime was committed, and in case there be no newspaper published in said county, then in an adjoining county, his petition for pardon, setting forth therein the reasons why such pardon should be granted.

SEC. 125. The governor shall have the power, and it is hereby made his duty, to suspend alleged defaulting State and county treasurers, and defaulting tax collectors, pending the investigation of their respective accounts, and to make temporary appointments of proper persons to fill the offices while such investigations are being made, and the legislature shall provide for the enforcement of this provision by appropriate legislation.

SEC. 126. There shall be a seal of the State kept by the governor and used by him officially, and be called the great seal of the State of Mississippi.

SEC. 127. All commissions shall be in the name and by the authority of the State of Mississippi, be sealed with the great seal of State, and be signed by the governor, and attested by the secretary of state.

SEC. 128. There shall be a lieutenant-governor, who shall be elected at the same time, in the same manner, and for the same term, and who shall possess the same qualifications as required of the governor.

SEC. 129. The lieutenant-governor shall, by virtue of his office, be president of the senate. In committee of the whole, he may debate all questions, and when there is an equal division in the senate, or on a joint vote of both houses, he shall give the casting vote.

SEC. 130. The lieutenant-governor shall receive for his services the same compensation as the speaker of the house of representatives.

SEC. 131. When the office of governor shall become vacant, by death or otherwise, the lieutenant-governor shall possess the powers and discharge the duties of said office. When the governor shall be absent from the State, or unable from protracted illness to perform the duties of the office, the lieutenant-governor shall discharge the duties of said office until the governor be able to resume his duties; but if, from disability or otherwise, the lieutenant-governor shall be incapable of performing said duties, or if he be absent from the State, the president of the senate pro tempore shall act in his stead; but if there be no such president, or if he be disqualified by like disability, or be absent from the State, then the speaker of the house of representatives shall assume the office of governor, and perform said duties; and in case of the inability of the foregoing officers to discharge the duties of governor, the secretary of state shall convene the senate, to elect a president pro tempore. The officer discharging the duties of governor shall receive the compensation as such. Should a doubt arise as to whether a vacancy has occurred in the office of governor or as to whether any one of the disabilities mentioned in this section exists or shall have ended, then the secretary of state shall submit the question, in doubt to the judges of the supreme court, who, or a majority of whom, shall investigate and determine said question; and shall furnish to said secretary of state an opinion in writing determining the question submitted to them, which opinion when rendered as aforesaid shall be final and conclusive.

SEC. 132. In case the election for lieutenant governor shall be contested, the contest shall be tried and determined in the same manner as a contest for the office of governor.

SEC. 133. There shall be a secretary of State, who shall be elected as herein provided. He shall be at least twenty-five years of age, a citizen of the State five years next preceding the day of his election, and he shall continue in office during the term of four years, and shall be keeper of the capitol; he shall keep a correct register of all official acts and proceedings of the governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the legislature, and he shall perform

such other duties as may be required of him by law. He shall receive such compensation as shall be prescribed.

SEC. 134. A State treasurer and an auditor of public accounts shall be elected as herein provided, who shall hold their offices for the term of four years, and shall possess the same qualifications as required for the secretary of State; they shall receive such compensation as may be provided by law. Said treasurer and auditor of public accounts shall be ineligible to immediately succeed themselves or each other in office.

SEC. 135. There shall be a sheriff, coroner, treasurer, assessor and surveyor for each county, to be selected as elsewhere provided herein, who shall hold their offices for four years. The sheriff and treasurer shall be ineligible to immediately succeed themselves or each other in office.

SEC. 136. All officers named in this article shall hold their offices during the term for which they were selected, unless removed, and until their successors shall be duly qualified to enter on the discharge of their respective duties.

SEC. 137. It shall be the duty of the state treasurer, within ten days after the first day of January and July of each year, to publish a statement under oath, in some newspaper published at the seat of government, showing the condition of the treasury on said days, the balance on hand and in what funds, together with a certificate of the governor that he has verified the count of the funds in the treasury and found the balance, stated by the treasurer, actually in the vaults of the treasury, or as the truth may be. And it shall be the duty of the governor at such times as he may deem proper, to go to the treasury, without giving notice to the treasurer, and verify the cash balance as shown by the books, and to publish the fact that he has done so, and whether the amount called for by the books be actually in the treasury, and stating whether the treasurer had any notice whatever that the verification would be made.

SEC. 138. The sheriff, coroner, treasurer, assessor, surveyor, clerks of the courts, and members of the board of supervisors of the several counties, and all other officers exercising local jurisdiction therein, shall be selected in the manner provided by law for each county.

SEC. 139. The legislature may empower the governor to remove and appoint officers, in any county or counties or municipal corporations, under such regulations as may be prescribed by law.

SEC. 140. The governor of the State shall be chosen in the following manner: On the first Tuesday after the first Monday of November of A. D. 1895, and on the first Tuesday after first Monday of November in every fourth year thereafter, until the day shall be changed by law, an election shall be held in the several counties and districts created for the election of members of the house of representatives in this State, for governor, and the person receiving in any county or such legislative district the highest number of votes cast therein, for said office, shall be holden to have received as many votes as such county or district is entitled to members in the house of representatives, which last named votes are hereby designated "electoral votes." In all cases where a representative is apportioned to two or more counties or districts the electoral vote based on such representative shall be equally divided among such counties or districts. The returns of said election shall be certified by the election commissioners, or a majority of them, of the several counties, and transmitted, sealed, to the seat of government, directed to the secretary of state, and shall be by him safely kept and delivered to the speaker of the house of representatives at the next ensuing session of the legislature within one day after he shall have been elected. The speaker shall, on the next Tuesday after he shall have received said returns, open and publish them in the presence of the house of representatives, and said house shall ascertain and count the vote of each county and legislative district and decide any contest that may be made concerning the same, and said decision shall be made by a majority of the whole number of members of the house of representatives concurring therein, by a viva voce vote, which shall be

recorded in its journal; provided, in case the two highest candidates have an equal number of votes in any county or legislative district, the electoral vote of such county or legislative district shall be considered as equally divided between them. The person found to have received a majority of all the electoral votes, and also a majority of the popular vote, shall be declared elected.

SEC. 141. If no person shall receive such majorities, then the house of representatives shall proceed to choose a governor from the two persons who shall have received the highest number of popular votes; the election shall be by viva voce vote, which shall be recorded in the journal, in such manner as to show for whom each member voted.

SEC. 142. In case of an election of governor or any State officer by the house of representatives, no member of that house shall be eligible to receive any appointment from the governor or other State officer so elected, during the term for which he shall be selected.

SEC. 143. All other State officers shall be elected at the same time, and in the same manner as provided for election of governor.

ARTICLE VI.

JUDICIARY.

SEC. 144. The judicial power of the State shall be vested in a supreme court and such other courts as are provided for in this constitution.

SEC. 145. The supreme court shall consist of three judges, any two of whom, when convened, shall form a quorum. The legislature shall divide the State into three supreme court districts, and there shall be elected one judge for and from each district by the qualified electors thereof at a time and in the manner provided by law; but the removal of a judge to the State capital during his term of office shall not render him ineligible as his own successor for the district from which he has removed. The present incumbents shall be considered as holding their terms of office from the State at large. The adoption of this amendment shall not abridge the terms of any of the present incumbents, but they shall continue to hold their respective offices until the expiration of the terms for which they were respectively appointed.[4]

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[4] Amendment proposed by the legislature of 1914, ratified at the election of Nov. 3, 1914, and formally inserted in the constitution by the legislature of 1916. It is not quite clear from the wording of the resolution by which this amendment was proposed whether the last sentence as given is designed as a part of the amended section. The text of the concurrent resolution by which this amendment was proposed is as follows: Amend section 145 of the constitution by striking therefrom the words, "and the governor, by and with the advice and consent of the senate, shall appoint one judge for and from each district," and inserting in lieu thereof the words, "and there shall be elected one judge for and from each district by the qualified electors thereof at a time and in the manner provided by law." The adoption of this amendment shall not abridge the terms of any of the present incumbents, but they shall continue to hold their respective offices until the expiration of the terms for which they were respectively appointed.

At the session of 1898 the legislature proposed and adopted an amendment to strike out sections 145, 149, 151, 152 and 153 and to insert in lieu thereof a new section to be numbered section 145. This proposed amendment, or group of amendments, was consolidated in one resolution and was voted on as a single proposition and was ratified at the election of Nov. 7, 1899, by a vote of 21,169 to 8,643. By a concurrent resolution adopted at the session of 1900, this amendment, or series of amendments, was "inserted in the constitution . . . as a part of said constitution." In the case of *Miss. v. Powell*, 77 Miss. 543, decided May 30, 1900, this amendment, or series of amendments, was held to be invalid as it had not been so submitted as to enable the electors to vote on each proposition separately. The text of this proposed amendment is as follows: Strike out of the constitution sections Nos. 145, 149, 151, 152 and 153 thereof, and insert in lieu thereof the following:

Section 145. The supreme court shall consist of three judges, any two of whom, when convened, shall form a quorum. The Legislature shall divide the State into three supreme court districts, and into convenient circuit and chancery court districts. The terms of the offices of judges of circuit courts and chancellors shall be four years, and of judges of the supreme court, eight years, and a judge shall be elected from each supreme and circuit court district and a chancellor from each chancery district, at a time to be fixed by the Legislature, and in the same manner, as far as applicable, as provided for elections of State officers. The Legislature shall enact laws providing that

SEC. 146. The supreme court shall have such jurisdiction as properly belongs to a court of appeals.

SEC. 147. No judgment or decree in any chancery or circuit court rendered in a civil cause, shall be reversed or annulled on the ground of want of jurisdiction to render said judgment or decree, from any error or mistake as to whether the cause in which it was rendered was of equity or common law jurisdiction; but if the supreme court shall find error in the proceedings other than as to jurisdiction, and it shall be necessary to remand the case, the supreme court may remand it to that court which in its opinion can best determine the controversy.

SEC. 148. The supreme court shall be held twice in each year at the seat of government, at such time as the legislature may provide.

SEC. 149. The term of office of the judges of the supreme court shall be eight (8) years. The legislature shall provide as near as can be conveniently done that the offices of not more than a majority of the judges of said court shall become vacant at any one time; and if necessary for the accomplishment of that purpose, it shall have power to provide that the terms of office of some of the judges first to be elected shall expire in less than eight years. The adoption of this amendment shall not abridge the terms of any of the present incumbents of the office of judge of the supreme court; but they shall continue to hold their respective offices until the expiration of the terms for which they were respectively appointed.[5]

SEC. 150. No person shall be eligible to the office of judge of the supreme court who shall not have attained the age of thirty years at the time of his appointment, and who shall not have been a practicing attorney and a citizen of the State for five years immediately preceding such appointment.

[SEC. 151. Annulled and eliminated in 1914.][6]

SEC. 152. The legislature shall divide the State into convenient circuit and chancery court districts.[7]

SEC. 153. The judges of the circuit and chancery courts shall be elected by the people in a manner and at a time to be provided by the Legislature and the judges shall hold their office for a term of four years.[8]

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the present supreme judges shall hold for their regularly appointed terms and provide that thereafter, except in elections to fill vacancies, as near one-half as practicable, of the judges of the supreme court shall be elected at each regular judicial election, the other or others holding over; and also for filling the unexpired judicial terms. The removal of a supreme court judge to the State capital during his term of office shall not render him ineligible as his own successor for the district from which he removed. All judges and chancellors shall be elected in the same manner as provided for election of Governor. All districts shall stand as now fixed till altered by law. The Legislature shall provide for party nominations of judges and chancellors by districts. Sections above named are annulled from the time at which the Legislature puts this amendment into operation as hereby provided. Circuit judges and chancellors may preside in any district as authorized or required by law. See Notes Nos. 5, 6, 7 and 8.

[5] Amendment proposed by the legislature of 1914, ratified at the election of Nov. 3, 1914, and formally inserted in the constitution by the legislature of 1916. The adoption of this amendment was made contingent on the submission and ratification of the amendment of section 145. The concurrent resolution by which this amendment was proposed provided that "In event there shall be submitted and adopted at this election an amendment to the constitution providing that the judges of the supreme court shall be elected by the people, section 149 of the constitution shall be and is hereby amended so as to read as follows:" Then follows the text of the proposed amendment as given above. The attempt to strike this section out of the constitution in 1898 was declared invalid in 1900. See Note No. 4.

[6] By an amendment proposed by the legislature of 1914, ratified on Nov. 3, 1914, and formally made a part of the constitution by the legislature of 1916, section 151 was annulled and eliminated. The adoption of this amendment was made contingent on the submission and ratification of the amendment of section 145. The concurrent resolution by which this amendment was proposed provided that "In the event there shall be submitted and adopted at this election an amendment to the constitution requiring that judges of the supreme court shall be elected by the people, section 151 of the constitution shall be and is hereby annulled and eliminated therefrom." The attempt to strike this section out of the constitution in 1898 was declared invalid in 1900. See Note No. 4.

[7] The attempt to strike this section out of the constitution in 1898 was declared invalid in 1900. See Note No. 4.

[8] Amendment proposed by the legislature of 1910, ratified on Nov. 8, 1910, and formally inserted in the constitution by the legislature of 1912. The attempt to strike this section out of the constitution in 1898 was declared invalid in 1900. See Note No. 4.

SEC. 154. No person shall be eligible to the office of judge of the circuit or of the chancery court, who shall not have been a practicing lawyer for five years, and who shall not have attained the age of twenty-six years, and who shall not have been five years a citizen of this State.

SEC. 155. The judges of the several courts of this State shall, before they proceed to execute the duties of their respective offices, take the following oath or affirmation, to-wit: "I, —— ——, solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ———— according to the best of my ability and understanding, agreeably to the constitution of the United States, and the constitution and laws of the State of Mississippi; so help me God."

SEC. 156. The circuit court shall have original jurisdiction in all matters civil and criminal in this State not vested by this constitution in some other court, and such appellate jurisdiction as shall be prescribed by law.

SEC. 157. All causes that may be brought in the circuit court whereof the chancery court has exclusive jurisdiction shall be transferred to the chancery court.

SEC. 158. A circuit court shall be held in each county at least twice in each year, and the judges of said courts may interchange circuits with each other in such manner as may be provided by law.

SEC. 159. The chancery court shall have full jurisdiction in the following matters and cases, viz:

(a) All matters of equity.
(b) Divorce and alimony.
(c) Matters testamentary and of administration.
(d) Minor's business.
(e) Cases of idiocy, lunacy and persons of unsound mind.
(f) All cases of which the said court had jurisdiction under the laws in force when this constitution is put in operation.

SEC. 160. And in addition to the jurisdiction heretofore exercised by the chancery courts in suits to try title and to cancel deeds and other clouds upon title to real estate, it shall have jurisdiction in such cases to decree possession, and to displace possession, to decree rents and compensation for improvements and taxes; and in all cases where said court heretofore exercised jurisdiction, auxiliary to courts of common law, it may exercise such jurisdiction to grant the relief sought although the legal remedy may not have been exhausted or the legal title established by a suit at law.

SEC. 161. And the chancery court shall have jurisdiction, concurrent with the circuit court, of suits on bonds of fiduciaries and public officers for failure to account for money or property received or wasted or lost by neglect or failure to collect, and of suits involving inquiry into matters of mutual accounts; but if the plaintiff brings his suit in the circuit court, that court may, on application of the defendant, transfer the cause to the chancery court if it appears that the accounts to be investigated are mutual and complicated.

SEC. 162. All causes that may be brought in the chancery court whereof the circuit court has exclusive jurisdiction shall be transferred to the circuit court.

SEC. 163. The legislature shall provide by law for the due certification of all causes that may be transferred to or from any chancery court or circuit court, for such reformation of the pleadings therein as may be necessary, and the adjudication of the costs of such transfer.

SEC. 164. A chancery court shall be held in each county at least twice in each year.

SEC. 165. No judge of any court shall preside on the trial of any cause where the parties or either of them shall be connected with him by affinity or consanguinity, or where he may be interested in the same, except by the consent of the judge and of the parties. Whenever any judge of the supreme court or the judge or chancellor of any district, in this State, shall, for any

reason, be unable or disqualified to preside at any term of court, or in any case where the attorneys engaged therein shall not agree upon a member of the bar to preside in his place, the governor may commission another, or others, of law knowledge to preside at such term or during such disability or disqualification in the place of the judge or judges so disqualified.[9]

SEC. 166. The judges of the supreme court, of the circuit courts and the chancellors shall receive for their services a compensation to be fixed by law, which shall not be increased or diminished during their continuance in office.

SEC. 167. All civil officers shall be conservators of the peace, and shall be, by law, vested with ample power as such.

SEC. 168. The clerk of the supreme court shall be elected as other State officers for the term of four years, and the clerk of the circuit court and the clerk of the chancery court shall be selected in each county in the manner provided by law, and shall hold office for the term of four years, and the legislature shall provide by law what duties shall be performed during vacation by the clerks of the circuit and chancery courts, subject to the approval of the court.

SEC. 169. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by authority of the "State of Mississippi," and all indictments shall conclude "against the peace and dignity of the State."

SEC. 170. Each county shall be divided into five districts. A resident freeholder of each district shall be selected, in the manner prescribed by law, and the five so chosen shall constitute the board of supervisors of the county, a majority of whom may transact business. The board of supervisors shall have full jurisdiction over roads, ferries and bridges, to be exercised in accordance with such regulations as the legislature may prescribe, and perform such other duties as may be required by law. The clerk of the chancery court of each county shall be clerk of the board of supervisors.

SEC. 171. A competent number of justices of the peace and constables shall be chosen in each county in the manner provided by law, for each district, who shall hold their office for the term of four years. No person shall be eligible to the office of justice of the peace who shall not have resided two years in the district next preceding his selection. The jurisdiction of justices of the peace shall extend to causes in which the principal amount in controversy shall not exceed the sum of two hundred dollars; and they shall have jurisdiction concurrent with the circuit court over all crimes whereof the punishment prescribed does not extend beyond a fine and imprisonment in the county jail; but the legislature may confer on the justices of the peace exclusive jurisdiction in such petty misdemeanors as it shall see proper. In all causes tried by a justice of the peace, the right of appeal shall be secured under such rules and regulations as shall be prescribed by law, and no justice of the peace shall preside at the trial of any cause where he may be interested, or the parties or either of them shall be connected with him by affinity or consanguinity, except by the consent of the justice of the peace and of the parties.

SEC. 172. The legislature shall, from time to time, establish such other inferior courts as may be necessary, and abolish the same whenever deemed expedient.

SEC. 173. There shall be an attorney-general elected at the same time and in the same manner as the governor is elected, whose term of office shall

[9] Amendment proposed by the legislature of 1914, ratified at the election of November 3, 1914, and formally declared an amendment of the constitution by the legislature of 1916. The amendment struck out the last two sentences of the section which read as follows: "When either party shall desire, the supreme court for the trial of any cause shall be composed of three judges. No judgment or decree shall be affirmed by disagreement of two judges constituting a quorum." The adoption of this amendment was made contingent on the submission and adoption of section 177a. The concurrent resolution by which this amendment was proposed provided that "In event there shall be submitted and adopted at this election an amendment to the constitution increasing the number of the judges of the supreme court, section 165 of the constitution shall then be amended so as to strike therefrom the three (3) and a fraction lines thereof which read as follows:" The last two sentences of the original section are then set out in full

be four years, and whose compensation shall be fixed by law. The qualifications for the attorney-general shall be the same as herein prescribed for judges of the circuit and chancery courts.

SEC. 174. A district attorney for each circuit court district shall be selected in the manner provided by law, whose term of office shall be four years, whose duties shall be prescribed by law, and whose compensation shall be a fixed salary.

SEC. 175. All public officers, for willful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and upon conviction, shall be removed from office, and otherwise punished as may be prescribed by law.

SEC. 176. No person shall be a member of the board of supervisors who is not a resident freeholder in the district for which he is chosen. The value of real estate necessary to be owned to qualify persons in the several counties to be members of said board shall be fixed by law.

SEC. 177. The governor shall have power to fill any vacancy which may happen during the recess of the senate, in the office of judge or chancellor, by making a temporary appointment of an incumbent, which shall expire at the end of the next session of the senate, unless a successor shall be sooner appointed, and confirmed by the senate. When a temporary appointment of a judge or chancellor has been made during the recess of the senate, the governor shall have no power to remove the person or appointee, nor power to withhold his name from the senate for their action.

[SEC. 177a.] The supreme court shall consist of six judges, that is to say, of three judges in addition to the three provided for by section 145 of this constitution, any four of whom when convened shall form a quorum. The additional judges herein provided for shall be selected one for and from each of the supreme court districts in the manner provided by section 145 of this constitution, or any amendment thereto. Their terms of office shall be as provided by section 149 of this constitution or any amendment thereto.[10]

[SEC. 177b.] The supreme court shall have power, under such rules and regulations as it may adopt, to sit in two divisions of three judges each, any two or whom when convened shall form a quorum; each division shall have full power to hear and adjudge all causes that may be assigned to it by the court. In event the judges composing any division shall differ as to the judgment to be rendered in any cause, or in event any judge of either division, within a time and in a manner to be fixed by the rules to be adopted by the court, shall certify that in his opinion any decision of any division of the court is in conflict with any prior decision of the court or of any division thereof, the cause shall then be considered and adjudged by the full court or a quorum thereof.[11]

ARTICLE VII.

CORPORATION.

SEC. 178. Corporations shall be formed under general laws only. The legislature shall have power to alter, amend or repeal any charter of incorporation now existing, and revocable, and any that may hereafter be created.

[10] [Section 177a] is a new section; it was proposed by the legislature of 1914, ratified on Nov. 3, 1914, and formally inserted as a part of the constitution by the legislature of 1916. The concurrent resolution by which this section was proposed assigned no article or section number to it; as it belongs in Article 6 it has been inserted here as section 177a.

[11] [Section 177b] is a new section; it was proposed by the legislature of 1914, ratified on Nov. 3, 1914, and formally inserted as a part of the constitution by the legislature of 1916. The adoption of this amendment was made contingent on the submission and ratification of section 177a. The concurrent resolution by which this amendment was proposed provided that "In event there shall be adopted at this election an amendment to the constitution increasing the number of judges of the supreme court, the constitution shall then be further amended by adding thereto a new section which shall read as follows:" Then follows the text of the proposed section as given above. The concurrent resolution by which this section was proposed assigned no article or section number to it; as it belongs in Article 6 it has been inserted here as section 177b.

whenever in its opinion it may be for the public interest to do so; provided, however, that no injustice shall be done to the stockholders. No charter for any private corporation for pecuniary gain shall be granted for a longer period than ninety-nine years. In assessing for taxation the property and franchises of corporations, having charters for a longer period than ninety-nine years, the increased value of such property and franchises arising from such longer duration of their charters shall be considered and assessed; but any such corporation shall have the right to surrender the excess over ninety-nine years of its charter.

SEC. 179. The legislature shall never remit the forfeiture of the franchise of any corporation now existing, nor alter nor amend the charter thereof, nor pass any general nor special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter and franchises subject to the provisions of this constitution; and the reception by any corporation of any provision of any such laws, or the taking of any benefit or advantage from the same, shall be conclusively held an agreement by such corporation to hold thereafter its charter and franchises under the provisions hereof.

SEC. 180. All existing charters or grants of corporate franchise under which organizations have not in good faith taken place at the adoption of this constitution shall be subject to the provisions of this article; and all such charters under which organizations shall not take place in good faith and business be commenced within one year from the adoption of this constitution, shall thereafter have no validity; and every charter or grant of corporate franchise hereafter made shall have no validity, unless an organization shall take place thereunder and business be commenced within two years from the date of such charter or grant.

SEC. 181. The property of all private corporations for pecuniary gain shall be taxed in the same way and to the same extent as the property of individuals, but the legislature may provide for the taxation of banks and banking capital, by taxing the shares according to the value thereof, (augmented by the accumulations, surplus and unpaid dividends,) exclusive of real estate, which shall be taxed as other real estate. Exemptions from taxation to which corporations are legally entitled at the adoption of this constitution, shall remain in full force and effect for the time of such exemptions as expressed in their respective charters, or by general laws, unless sooner repealed by the legislature. And domestic insurance companies shall not be required to pay a greater tax in the aggregate than is required to be paid by foreign insurance companies doing business in this State, except to the extent of the excess of their ad valorem tax over the privilege tax imposed upon such foreign companies; and the legislature may impose privilege taxes on building and loan associations in lieu of all other taxes except on their real estate.

SEC. 182. The power to tax corporations and their property shall never be surrendered or abridged by any contract or grant to which the State or any political subdivision thereof may be a party, except that the legislature may grant exemption from taxation in the encouragement of manufactures and other new enterprises of public utility extending for a period not exceeding five years, the time of such exemptions to commence from date of charter, if to a corporation; and if to an individual enterprise, then from the commencement of work; but when the legislature grants such exemptions for a period of five years or less, it shall be done by general laws, which shall distinctly enumerate the classes of manufactures and other new enterprises of public utility entitled to such exemptions, and shall prescribe the mode and manner in which the right to such exemptions shall be determined.

SEC. 183. No county, city, town or other municipal corporation shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation, or loan its credit in aid of such corporation or association. All authority heretofore conferred for any of the purposes aforesaid by the legislature or by the charter of any corporation, is

hereby repealed. Nothing in this section contained shall affect the right of any such corporation, municipality or county to make such subscription where the same has been authorized under laws existing at the time of the adoption of this constitution, and by a vote of the people thereof, had prior to its adoption, and where the terms of submission and subscription have been or shall be complied with, or to prevent the issue of renewal bonds, or the use of such other means as are or may be prescribed by law for the payment or liquidation of such subscription, or of any existing indebtedness.

SEC. 184. All railroads which carry persons or property for hire, shall be public highways, and all railroad companies so engaged shall be common carriers. Any company organized for that purpose under the laws of the State, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with roads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad; and all railroad companies shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without unnecessary delay or discrimination.

SEC. 185. The rolling stock, belonging to any railroad company or corporation in this State, shall be considered personal property and shall be liable to execution and sale as such.

SEC. 186. The legislature shall pass laws to prevent abuses, unjust discrimination and extortion in all charges of express, telephone, sleeping car, telegraph and railroad companies, and shall enact laws for the supervision of railroads, express, telephone, telegraph, sleeping car companies and other common carriers in this State, by commission or otherwise, and shall provide adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their franchises.

SEC. 187. No railroad hereafter constructed in this State, shall pass within three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles; provided, such town or citizens shall grant the right-of-way through its limits, and sufficient ground for ordinary depot purposes.

SEC. 188. No railroad or other transportation company shall grant free passes or tickets, or passes or tickets at a discount, to members of the legislature, or any State, district, county or municipal officers, except railroad commissioners. The legislature shall enact suitable laws for the detection, prevention and punishment of violations of this provision.

SEC. 189. All charters granted to private corporations in this State shall be recorded in the chancery clerk's office of the county in which the principal office or place of business of such company shall be located.

SEC. 190. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use; and the exercise of the police powers of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe upon the rights of individuals, or the general well being of the State.

SEC. 191. The legislature shall provide for the protection of the employees of all corporations doing business in this State from interference with their social, civil, or political rights by said corporations, their agents or employees.

SEC. 192. Provision shall be made by general laws whereby cities and towns may be authorized to aid and encourage the establishment of manufactories, gas-works, waterworks, and other enterprises of public utility other than railroads, within the limits of said cities or towns, by exempting all property used for such purposes, from municipal taxation for a period not longer than ten years.

SEC. 193. Every employee of any railroad corporation shall have the same right and remedies for any injury suffered by him from the act or omission of said corporation or its employees, as are allowed by law to other persons

not employees, where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured, and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured, of the defective or unsafe character or condition of any machinery, ways or appliances, shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars, or engines voluntarily operated by them. Where death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, express or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation or his legal or personal representative, of any right or remedy that he now has by the law of the land. The legislature may extend the remedies herein provided for to any other class of employees.

Sec. 194. The legislature shall provide by law, that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, so as to give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them on the same principle among as many candidates as he shall see fit; and such directors or managers shall not be elected in any other manner; but no person who is engaged or interested in a competing business, either individually or as employee, or stockholder, shall serve on any board of directors of any corporation without the consent of a majority in interest of the stockholders thereof.

Sec. 195. Express, telegraph, telephone and sleeping car companies are declared common carriers in their respective lines of business and subject to liability as such.

Sec. 196. No transportation corporation shall issue stocks or bonds except for money, labor done, or in good faith agreed to be done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void.

Sec. 197. The legislature shall not grant to any foreign corporation or association, a license to build, operate or lease any railroad in this State; but in all cases where a railroad is to be built or operated, and the same shall be partly in this State and partly in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws of this State; nor shall any foreign corporation or association lease or operate any railroad in this State or purchase the same, or any interest therein; consolidation of any railroad lines and corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this State. No general or special law shall ever be passed for the benefit of any foreign corporation operating a railroad under an existing license from this State, or under an existing lease; and no grant of any right or privilege, and no exemption from any burden, shall be made to any such foreign corporation except upon the condition that the owners or stockholders thereof shall first organize a corporation in this State under the laws thereof, and shall thereafter operate and manage the same, and the business thereof under said domestic charter.

Sec. 198. The legislature shall enact laws to prevent all trusts, combinations, contracts and agreements inimical to the public welfare.

Sec. 199. The term corporation used in this article shall include all associations and all joint stock companies for pecuniary gain, having privileges not possessed by individuals or partnerships.

Sec. 200. The legislature shall enforce the provisions of this article by appropriate legislation.

ARTICLE VIII.

EDUCATION.

SEC. 201. It shall be the duty of the legislature to encourage by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement, by establishing a uniform system of free public schools, by taxation, or otherwise, for all children between the ages of five and twenty-one years, and, as soon as practicable, to establish schools of higher grade.

SEC. 202. There shall be a superintendent of public education elected at the same time and in the same manner as the governor, who shall have the qualifications required of the secretary of state, and hold his office for four years and until his successor shall be elected and qualified, who shall have the general supervision of the common schools, and of the educational interests of the State, and who shall perform such other duties and receive such compensation, as shall be prescribed by law.

SEC. 203. There shall be a board of education, consisting of the secretary of state, the attorney-general, and the superintendent of public education, for the management and investment of the school funds, according to law, and for the performance of such other duties as may be prescribed. The superintendent and one other of said board shall constitute a quorum.

SEC. 204. There shall be a superintendent of public education in each county, who shall be appointed by the board of education by and with the advice and consent of the senate, whose term of office shall be four years, and whose qualifications, compensation and duties, shall be prescribed by law; provided, that the legislature shall have power to make the office of county school superintendent of the several counties elective, or may otherwise provide for the discharge of the duties of county superintendent, or abolish said office.

SEC. 205. A public school shall be maintained in each school district in the county at least four months during each scholastic year. A school district neglecting to maintain its school four months, shall be entitled to only such part of the free school fund as may be required to pay the teacher for the time actually taught.

SEC. 206. There shall be a county common school fund, which shall consist of the poll tax, to be retained in the counties where the same is collected, and a state common school fund, to be taken from the general fund in the state treasury, which together shall be sufficient to maintain the common schools for the term of four months in each scholastic year. But any county or separate school district may levy an additional tax to maintain its schools for a longer time than the term of four months. The state common school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be determined from data collected through the office of the state superintendent of education in the manner prescribed by law.[12]

SEC. 207. Separate schools shall be maintained for children of the white and colored races.

SEC. 208. No religious or other sect, or sects, shall ever control any part of the school or other educational funds of this State; nor shall any funds be appropriated towards the support of any sectarian school; or to any school that at the time of receiving such appropriation is not conducted as a free school.

SEC. 209. It shall be the duty of the legislature to provide by law for the support of institutions for the education of the deaf, dumb, and blind.

SEC. 210. No public officer of this State, or any district, county, city or town thereof, nor any teacher or trustee of any public school, shall be interested in the sale, proceeds or profits of any books, apparatus or furniture to be used in any public school in this State. Penalties shall be provided by law for the violation of this section.

SEC. 211. The legislature shall enact such laws as may be necessary to ascertain the true condition of the title to the sixteenth sections of land in this

[12] Amendment proposed by the legislature of 1900, ratified on Nov. 6, 1900, and formally inserted in the constitution by the legislature of 1904.

State, or land granted in lieu thereof, in the Choctaw purchase, and shall provide that the sixteenth section lands reserved for the support of township schools shall not be sold, nor shall they be leased for a longer term than ten years for a gross sum; but the legislature may provide for the lease of any of said lands for a term not exceeding twenty-five years for a ground rental payable annually, and, in case of uncleared lands, may lease them for such short term as may be deemed proper in consideration of the improvement thereof, with right thereafter to lease for a term or to hold on payment of ground rent.

SEC. 212. The rate of interest on the fund known as the Chickasaw school fund, and other trust funds for educational purposes, for which the State is responsible, shall be fixed and remain as long as said funds are held by the State, at six per centum per annum, from and after the close of the fiscal year A. D. 1891, and the distribution of said interest shall be made semi-annually on the first of May and November of each year.

SEC. 213. The State having received and appropriated the land donated to it for the support of Agricultural and Mechanical Colleges, by the United States, and having, in furtherance of the beneficent design of Congress in granting said land, established the Agricultural and Mechanical College of Mississippi, and the Alcorn Agricultural and Mechanical College, it is the duty of the State to sacredly carry out the conditions of the act of Congress, upon the subject, approved July 2d, A. D. 1862, and the legislature shall preserve intact the endowments to, and support, said colleges.

ARTICLE IX.

MILITIA.

SEC. 214. All able-bodied male citizens of the State between the ages of eighteen and forty-five years shall be liable to military duty in the militia of this State, in such manner as the legislature may provide.

SEC. 215. The legislature shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same when called into active service.

SEC. 216. All officers of militia, except non-commissioned officers, shall be appointed by the governor, by and with the consent of the senate, or elected, as the legislature may determine; and no commissioned officer shall be removed from office except by the senate on suggestion of the governor, stating the ground on which such removal is recommended, or by the decision of a court-martial, pursuant to law, or at his own request.

SEC. 217. The governor shall be commander-in-chief of the militia, except when it is called into the service of the United States, and shall have power to call forth the militia to execute the laws, repel invasion, and to suppress riots and insurrections.

SEC. 218. The governor shall nominate, and, by and with the consent of the senate, commission one major-general for the State, who shall be a citizen thereof, and also one brigadier-general for each congressional district, who shall be a resident of the district for which he shall be appointed, and each district shall constitute a militia division.

SEC. 219. The adjutant-general, and other staff officers to the commander-in-chief, shall be appointed by the governor, and their appointment shall expire with the governor's term of office, and the legislature shall provide by law a salary for the adjutant-general commensurate with the duties of said office.

SEC. 220. The militia shall be exempt from arrest during their attendance on musters, and in going to and returning from the same, except in case of treason, felony or breach of the peace.

SEC. 221. The legislature is hereby required to make an annual appropriation for the efficient support and maintenance of the Mississippi National Guard, which shall consist of not less than one hundred men for each senator and representative to which this State may be entitled in the Congress of the

United States; but no part of such funds shall be used in the payment of said guard except when in actual service.

SEC. 222. The legislature shall empower the board of supervisors of each county in the State to aid in supporting a military company or companies, of the Mississippi National Guard, within its borders, under such regulations, limitations and restrictions as may be prescribed by law.

ARTICLE X.

THE PENITENTIARY AND PRISONS.

SEC. 223. No penitentiary convict shall ever be leased or hired to any person or persons, or corporation, private or public or quasi public, or board, after December the 31st, A. D. 1894, save as authorized in the next section, nor shall any previous lease or hiring of convicts extend beyond that date; and the legislature shall abandon the system of such leasing or hiring as much sooner than the date mentioned as may be consistent with the economic safety of the State.

SEC. 224. The legislature may authorize the employment under State supervision, and the proper officers and employees of the State, of convicts on public roads or other public works, or by any levee board on any public levees, under such provisions and restrictions as it may from time to time see proper to impose; but said convicts shall not be let or hired to any contractor under said board, nor shall the working of convicts on public roads, or public works, by any levee board ever interfere with the preparation for or the cultivation of any crop which it may be intended shall be cultivated by the said convicts, nor interfere with the good management of the State farm, nor put the State to any expense.

SEC. 225. The legislature may place the convicts on a State farm or farms and have them worked thereon under State supervision exclusively, in tilling the soil or manufacturing, or both, and may buy farms for that purpose. It may establish a reformatory school or schools, and provide for keeping of juvenile offenders from association with hardened criminals. It may provide for the commutation of the sentence of convicts for good behavior, and for the constant separation of the sexes, and for the separation of the white and black convicts as far as practicable, and for religious worship for the convicts.

SEC. 226. Convicts sentenced to the county jail shall not be hired or leased to any person or corporation outside the county of their conviction, after the first day of January, A. D. 1893, nor for a term which shall extend beyond that date.

ARTICLE XI.

LEVEES.

SEC. 227. A levee system shall be maintained in the State as provided in this article.

SEC. 228. The division heretofore made by the legislature of the alluvial land of the State into two levee districts, viz: The Yazoo-Mississippi Delta Levee District, and the Mississippi Levee District, as shown by the laws creating the same, and the amendments thereto, is hereby recognized, and said districts shall so remain until changed by law; but the legislature may hereafter add to either of said districts any other alluvial land in the State.

SEC. 229. There shall be a board of levee commissioners for the Yazoo-Mississippi Delta Levee District, which shall consist of two members from each of the counties of Coahoma and Tunica, and one member from each of the remaining counties or parts of counties, now or hereafter embraced within the limits of said district, and the governor may appoint a stockholder in the Louisville, New Orleans & Texas Railway Company as an additional commissioner; and there shall also be a board of levee commissioners for the Mississippi Levee District, which shall consist of two members from each of the counties of Bolivar and Washington, and one from each of the counties

of Issaquena and Sharkey. In the event of the formation of a new county or counties out of the territory embraced in either or both of said levee districts such new counties shall each be entitled to representation and membership in the proper board or boards.

SEC. 230. All of said commissioners shall be qualified electors of the respective counties or parts of counties from which they may be chosen, except the one selected for the Louisville, New Orleans & Texas Railway Company; and the legislature shall provide that they shall each give bond for the faithful performance of his duties, and shall fix the penalty thereof; but the penalty of such bond in no instance shall be fixed at less than $10,000, and the sureties thereon shall be freeholders of the district.

SEC. 231. When the terms of the present levee commissioners shall expire, or whenever a vacancy shall occur or be about to occur, in either of said boards, the governor shall make appointments to fill vacancies, subject to the confirmation of the senate. The terms of office of said commissioners shall remain as provided by law at the adoption of this constitution, but this provision shall not require the appointment of a commissioner for the Louisville, New Orleans & Texas Railway Company, except in the discretion of the governor as provided.

SEC. 232. The commissioners of said levee districts shall have supervision of the erection, repair and maintenance of the levees in their respective districts, and shall have power to cede all their rights of way and levees and the maintenance, management and control thereof to the government of the United States.[13]

SEC. 233. The levee boards shall have and are hereby granted authority and full power to appropriate private property in their respective districts for the purpose of constructing, maintaining and repairing levees therein; and when any owner of land, or any other person interested therein, shall object to the location or building of the levee thereon, or shall claim compensation for any land that may be taken, or for any damages he may sustain in consequence thereof, the president or other proper officer or agent of such levee board, or owner of such land, or other person interested therein, may forthwith apply for an assessment of the damages to which said person claiming the same may be entitled whereupon the proceedings as now provided by law shall be taken, viz: in the Mississippi Levee District, in accordance with the terms and provisions of section 3 of an act entitled "an act to amend an act to incorporate the Board of Levee Commissioners for Bolivar, Washington and Issaquena counties, and for other purposes," approved November 27, A. D. 1865, and to revise acts amendatory thereof, approved March 13, A. D. 1884; and in the Yazoo-Mississippi Delta Levee District, in accordance with the terms and provisions of section three of an act entitled "an act to incorporate the board of levee commissioners for the Yazoo-Mississippi Delta, and for other purposes," approved February 28, A. D. 1884," and the amendments thereto; but the legislature shall have full power to alter and amend said several acts, and to provide different manners of procedure.

SEC. 234. No bill changing the boundaries of the district or affecting the taxation or revenue of the Yazoo-Mississippi Delta Levee District, or the Mississippi Levee District, shall be considered by the legislature unless said bill shall have been published in some newspaper in the county in which is situated the domicile of the board of levee commissioners of the levee district to be affected thereby, for four weeks prior to the introduction thereof into the legislature; and no such bill shall be considered for final passage by either the senate or house of representatives, unless the same shall have been referred to, and reported on, by an appropriate committee of each house in which the same may be pending; and no such committee shall consider or report on any such bill unless publication thereof shall have been made as aforesaid.

SEC. 235. Each levee board shall make at the end of each fiscal year, to

[13]Amendment proposed by the legislature of 1898, ratified on Nov. 8, 1898, and formally inserted in the constitution by the legislature of 1900.

he governor of this State, a report showing the condition of the levees, and ecommending such additional legislation on the subject of the system as shall e thought necessary, and showing the receipts and expenditures of the board, o that each item, the amount and consideration therefor, shall distinctly ap- ear, together with such other matters as it shall be thought proper to call o the attention of the legislature.

SEC. 236. The legislature shall impose for levee purposes, in addition to he levee taxes heretofore levied or authorized by law, a uniform tax of not ess than two nor more than five cents an acre, per annum, upon every acre f land now, or hereafter, embraced within the limits of either, or both, of aid levee districts. The taxes so derived shall be paid into the treasury of he levee board of the district in which the land charged with the same is situated; and the legislature, by the act imposing said tax, shall authorize said evee boards to fix the annual rate of taxation per acre within the limits foresaid, and thereby require said levee boards, whenever a reduction is made y them in their other taxes, to make a proportionate reduction in the acreage ax hereinbefore mentioned; but said acreage tax shall not be reduced below wo cents an acre per annum; and all reductions in such taxation shall be niform in each said districts; but the rate of taxation need not be the same n both of them; and such specific taxes shall be assessed on the same assess- nent roll, and collected under the same penalties as the ad valorem taxes for evee purposes, and shall be paid at the same time with the latter. And o levee board shall ever be permitted to buy lands when sold for taxes; but he senate shall have a prior lien for the taxes due thereto. The legislature nay provide for the discontinuance of the tax on cotton, but not in such man- ner as to affect outstanding bonds based on it, and on the discontinuance of he tax on cotton, shall impose another tax in lieu thereof, but the legislature nay repeal the acreage tax required to be levied hereby, after the first day f January, A. D. 1895.

SEC. 237. The legislature shall have full power to provide such system f taxation for said levee districts as it shall from time to time deem wise nd proper.

SEC. 238. No property situated between the levee and the Mississippi river hall be taxed for levee purposes, nor shall damage be paid to any owner of and so situated because of it being left outside a levee.

SEC. 239. The legislature shall require the levee boards to publish at ach of their sessions, an itemized account embracing their respective receipts ince the prior session, and such appropriations as have been made or ordered y them respectively, in some newspaper or newspapers of the district.

ARTICLE XII.

FRANCHISE.

SEC. 240. All elections by the people shall be by ballot.

SEC. 241. Every male inhabitant of this State, except idiots, insane persons nd Indians not taxed, who is a citizen of the United States, twenty-one years ld and upwards, who has resided in this State two years, and one year in he election district, or in the incorporated city or town, in which he offers o vote, and who is duly registered as provided in this article, and who has ever been convicted of bribery, burglary, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, imbezzlement or bigamy, and who has paid, on or before the first day of February of the year in which he hall offer to vote, all taxes which may have been legally required of him, nd which he has had an opportunity of paying according to law, for the two preceding years, and who shall produce to the officers holding the election satisfactory evidence that he has paid said taxes, is declared to be a quali- ed elector; but any minister of the gospel in charge of an organized church hall be entitled to vote after six months residence in the election district, if otherwise qualified.

SEC 242. The legislature shall provide by law for the registration of all

persons entitled to vote at any election, and all persons offering to register shall take the following oath or affirmation: "I ——, do solemnly swear (or affirm) that I am twenty-one years old, (or I will be before the next election in this county) and that I will have resided in this State two years and —— election district of —— county one year next preceding the ensuing election [or if it be stated in the oath that the person proposing to register is a minister of the gospel in charge of an organized church, then it will be sufficient to aver therein, two years residence in the State and six months in said election district], and am now in good faith a resident of the same, and that I am not disqualified from voting by reason of having been convicted of any crime named in the constitution of this State as a disqualification to be an elector; that I will truly answer all questions propounded to me concerning my antecedents so far as they relate to my right to vote, and also as to my residence before my citizenship in this district; that I will faithfully support the constitution of the United States and of the State of Mississippi, and will bear true faith and allegiance to the same. So help me God." In registering voters in cities and towns, not wholly in one election district, the name of such city or town may be substituted in the oath for the election district. Any willful and corrupt false statement in said affidavit, or in answer to any material question propounded as herein authorized, shall be perjury.

SEC. 243. A uniform poll tax of two dollars, to be used in aid of the common schools, and for no other purpose, is hereby imposed on every male inhabitant of this State between the ages of twenty-one and sixty years, except persons who are deaf and dumb or blind, or who are maimed by loss of hand or foot; said tax to be a lien only upon taxable property. The board of supervisors of any county may, for the purpose of aiding the common schools in that county, increase the poll tax in said county, but in no case shall the entire poll tax exceed in any one year three dollars on each poll. No criminal proceedings shall be allowed to enforce the collection of the poll tax.

SEC. 244. On and after the first day of January, A. D. 1892, every elector shall, in addition to the foregoing qualifications, be able to read any section of the constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof. A new registration shall be made before the next ensuing election after January the first, A. D. 1892.

SEC. 245. Electors in municipal elections shall possess all the qualifications herein prescribed, and such additional qualifications as may be provided by law.

SEC. 246. Prior to the first day of January, A. D. 1896, the elections by the people in this State shall be regulated by an ordinance of this convention.

SEC. 247. The legislature shall enact laws to secure fairness in party primary elections, conventions or other methods of naming party candidates.

SEC. 248. Suitable remedies by appeal or otherwise shall be provided by law, to correct illegal or improper registration and to secure the elective franchise to those who may be illegally or improperly denied the same.

SEC. 249. No one shall be allowed to vote for members of the legislature or other officers who has not been duly registered under the constitution and laws of this State, by an officer of this State, legally authorized to register the voters thereof. And registration under the constitution and laws of this State by the proper officers of this State is hereby declared to be an essential and necessary qualification to vote at any and all elections.

SEC. 250. All qualified electors and no others shall be eligible to office as otherwise provided in this constitution.

SEC. 251. Electors shall not be registered within four months next before any election at which they may offer to vote; but appeals may be heard and determined and revision take place at any time prior to the election; and no person who, in respect to age and residence, would become entitled to vote within the said four months, shall be excluded from registration on account of his want of qualification at the time of registration.

SEC. 252. The term of office of all elective officers under this constitution shall be four years, except as otherwise provided herein. A general election for all elective officers shall be held on the Tuesday next after the first Monday of November, A. D. 1895, and every four (4) years thereafter; provided, the legislature may change the day and date of general elections to any day and date in October, November or December.

SEC. 253. The legislature may by a two-thirds vote of both houses, of all members elected, restore the right of suffrage to any person disqualified by reason of crime; but the reasons therefor shall be spread upon the journals, and the vote shall be by yeas and nays.

ARTICLE XIII.

APPORTIONMENT.

SEC. 254. The number of representatives in the lower house of the legislature shall be one hundred and thirty-three, to be apportioned as follows:

First—The counties of Choctaw, Covington, Greene, Hancock, Issaquena, Jones, Lawrence, Leflore, Marion, Neshoba, Pearl River, Perry, Quitman, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tishomingo, Tunica, Wayne and Webster, each shall have one representative.

Second—The counties of Alcorn, Amite, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Clay, Coahoma, DeSoto, Kemper, Lafayette, Madison, Newton, Pike, Pontotoc, Prentiss, Rankin, Tate, Union, Wilkinson and Yalobusha, each shall have two representatives.

Third—The counties of Copiah, Holmes, Marshall, Monroe, Noxubee, Panola, Warren and Washington, each shall have three representatives.

Fourth—The counties of Franklin and Lincoln each shall have one representative and a floater between them.

Fifth—The counties of Tippah and Benton each shall have one representative and a floater between them.

Sixth—The counties of Claiborne and Jefferson each shall have one representative and a floater between them.

Seventh—The counties of Clarke and Jasper each shall have one representative and a floater between them.

Eighth—The counties of Grenada and Montgomery, each shall have one representative and a floater between them.

Ninth—The counties of Leake and Winston, each shall have one representative and a floater between them.

Tenth—The counties of Harrison and Jackson, each shall have one representative and a floater between them.

Eleventh—The county of Yazoo shall have three representatives and the county of Hinds shall have three representatives, and they shall have a floater between them.

Twelfth—The county of Lauderdale shall have three representatives, one to be elected by the city of Meridian, one by the county outside the city limits, and one by the whole county including Meridian.

Thirteenth—The county of Adams outside of the city of Natchez shall have one representative and the city of Natchez one representative.

Fourteenth—The county of Lowndes shall have three representatives, two of whom shall be elected by that part of the county east of the Tombigbee river, and one by that portion of the county west of said river.

Fifteenth—The county of Oktibbeha shall have two representatives, one of whom shall be elected by that portion of the county east of the line running north and south between ranges thirteen and fourteen, and the other by that portion of the county west of said line.

Sixteenth—The county of Lee shall have two representatives, the county of Itawamba one, and a floater between them.

Seventeenth—In counties divided into legislative districts, any citizen of the county eligible for election to the House of Representatives shall be eligible to represent any district thereof.

THE SENATE.

SEC. 255. The number of senators shall be forty-nine and apportioned as follows:

First—The county of Harrison shall constitute the first district and elect one senator.

Second—The counties of Wayne and Jones, the second district, and elect one senator.

Third—The counties of Jasper and Clarke, the third district, and elect one senator.

Fourth—The counties of Simpson and Covington, the fourth district, and elect one senator.

Fifth—The counties of Rankin and Smith, the fifth district and elect one senator.

Sixth—The counties of Pike and Franklin, the sixth district and elect one senator.

Seventh—The counties of Amite and Wilkinson, the seventh district and elect one senator.

Eighth—The counties of Lincoln and Lawrence, the eighth district and elect one senator.

Ninth—The county of Adams, the ninth district and elect one senator.

Tenth—The counties of Claiborne and Jefferson, the tenth district and elect one senator.

Eleventh—The county of Copiah, the eleventh district and elect one senator.

Twelfth—The counties of Hinds and Warren, the twelfth district and elect one senator each and a senator between them, to be chosen from the counties alternately, beginning with Warren.

Thirteenth—The counties of Scott and Newton, the thirteenth district and elect one senator.

Fourteenth—The county of Lauderdale, the fourteenth district and elect one senator.

Fifteenth—The counties of Kemper and Winston, the fifteenth district and elect one senator.

Sixteenth—The county of Noxubee, the sixteenth district and elect one senator.

Seventeenth—The counties of Leake and Neshoba, the seventeenth district and elect one senator.

Eighteenth—The county of Madison, the eighteenth district and elect one senator.

Nineteenth—The county of Yazoo, the nineteenth district and elect one senator.

Twentieth—The counties of Sharkey and Issaquena, the twentieth district and elect one senator.

Twenty-first—The county of Holmes, the twenty-first district and elect one senator.

Twenty-second—The county of Attala, the twenty-second district and elect one senator.

Twenty-third—The counties of Oktibbeha and Choctaw, the twenty-third district and elect one senator.

Twenty-fourth—The counties of Clay and Webster, the twenty-fourth district and elect one senator.

Twenty-fifth—The county of Lowndes, the twenty-fifth district and elect one senator.

Twenty-sixth—The counties of Carroll and Montgomery, the twenty-sixth district and elect one senator.

Twenty-seventh—The counties of Leflore and Tallahatchie, the twenty-seventh district and elect one senator.

Twenty-eighth—The counties of Yalobusha and Grenada, the twenty-eighth district and elect one senator.

Twenty-ninth—The counties of Washington and Sunflower, the twenty-ninth district, the county of Washington shall elect one senator and the counties of Washington and Sunflower a senator between them.

Thirtieth—The county of Bolivar, the thirtieth district and elect one senator.

Thirty-first—The counties of Chickasaw, Calhoun and Pontotoc, the thirty-first district and elect two senators. Both senators shall at no time be chosen from the same county.

Thirty-second—The county of Lafayette, the thirty-second district and elect one senator.

Thirty-third—The county of Panola, the thirty-third district and elect one senator.

Thirty-fourth—The counties of Coahoma, Tunica and Quitman, the thirty-fourth district and elect one senator.

Thirty-fifth—The county of DeSoto, the thirty-fifth district and elect one senator.

Thirty-sixth—The counties of Union, Tippah, Benton, Marshall and Tate, the thirty-sixth district and elect three senators. The counties of Tate and Benton shall be entitled to one, the counties of Union and Tippah one, and the county of Marshall one.

Thirty-seventh—The counties of Tishomingo, Alcorn and Prentiss, the thirty-seventh district and elect one senator.

Thirty-eighth—The counties of Monroe, Lee and Itawamba, the thirty-eighth district and elect two senators, one of whom shall be a resident of the county of Monroe and the other a resident of Lee or Itawamba counties.

Thirty-ninth The counties of Jefferson Davis, Marion and Walthall, the thirty-ninth district and elect one senator.

Fortieth The counties of Lamar, Pearl River and Hancock, the fortieth district and elect one senator.

Forty-first The counties of George, Green and Jackson, the forty-first district and elect one senator.

Forty-second The counties of Forrest and Perry, the forty-second district and elect one senator.[14]

SEC. 256. The Legislature may at the first session after the federal census of 1900, and decennially thereafter, make a new apportionment of senators and representatives. At each apportionment each county then organized shall have at least one representative. The counties of Tishomingo, Alcorn, Prentiss, Lee, Itawamba, Tippah, Union, Benton, Marshall, Lafayette, Pontotoc, Monroe, Chickasaw, Calhoun, Yalobusha, Grenada, Carroll, Montgomery, Choctaw, Webster, Clay, Lowndes and Oktibbeha, or the territory now composing them, shall together never have less than forty-four representatives. The counties of Attala, Winston, Noxubee, Kemper, Leake, Neshoba, Lauderdale, Newton, Scott, Rankin, Clarke, Jasper, Smith, Simpson, Copiah, Franklin, Lincoln, Lawrence, Covington, Jones, Wayne, Greene, Perry, Marion, Pike, Pearl River, Hancock, Harrison, and Jackson, or the territory now composing them, shall together never have less than forty-four representatives, nor shall the remaining counties of the State, or the territory now composing them, ever have less than forty-four representatives. A reduction in the number of senators and representatives may be made by the legislature if the same be uniform in each of the three said divisions; but the number of representatives shall not be less than one hundred nor more than one hundred and thirty-three, nor the number of senators less than thirty, nor more than forty-five, provided that new counties hereafter created shall be given at least one representative until the next succeeding apportionment.[15]

[14] Amendment proposed by the legislature of 1914, ratified on Nov. 3, 1914, and formally inserted in the constitution by the legislature of 1916.

[15] Amendment proposed by the legislature of 1900, ratified on Nov. 6, 1900, and formally inserted in the constitution by the legislature of 1904.

ARTICLE XIV.

GENERAL PROVISIONS.

SEC. 257. The political year of the State of Mississippi shall commence on the first Monday of January in each year.

SEC. 258. The credit of the State shall not be pledged or loaned in aid of any person, association or corporation; and the State shall not become a stockholder in any corporation or association, nor assume, redeem, secure or pay any indebtedness or pretended indebtedness alleged to be due by the State of Mississippi, to any person, association or corporation whatsoever, claiming the same as owners, holders or assignees of any bond or bonds, now generally known as "Union Bank" bonds and "Planters' Bank" bonds.

SEC. 259. No county seat shall be removed unless such removal be authorized by two-thirds of the electors of the county voting therefor; but when the proposed removal shall be towards the center of the county, it may be made when a majority of the electors participating in the election shall vote therefor.

SEC. 260. No new county shall be formed unless a majority of the qualified electors voting in each part of the county or counties proposed to be dismembered and embraced in the new county, shall separately vote therefor; nor shall the boundary of any judicial district in a county be changed unless at an election held for that purpose, two-thirds of those voting assent thereto. The elections provided for in this and the section next preceding shall not be held in any county oftener than once in four years. No new county shall contain less than four hundred square miles; nor shall any existing county be reduced below that size.

SEC. 261. The expenses of criminal prosecutions, except those before justices of the peace, shall be borne by the county in which such prosecutions shall be begun; and all net fines and forfeitures shall be paid into the treasury of such county. Defendants in cases of conviction may be taxed with the costs.

SEC. 262. The board of supervisors shall have power to provide homes or farms as asylums for those persons who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of society; and the legislature shall enact suitable laws to prevent abuses by those having the care of such persons.

SEC. 263. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void.

SEC. 264. No person shall be a grand or petit juror unless a qualified elector and able to read and write; but the want of any such qualification in any juror shall not vitiate any indictment or verdict. The legislature shall provide by law for procuring a list of persons so qualified, and the drawing therefrom of grand and petit jurors for each term of the circuit court.

SEC. 265. No person who denies the existence of a Supreme Being shall hold any office in this State.

SEC. 266. No person holding or exercising the rights or powers of any office of honor or profit, either in his own right, or as a deputy, or while otherwise acting for or in the name, or by the authority of another, under any foreign government, or under the government of the United States, shall hold or exercise in any way the rights and powers of any office of honor or profit under the laws or authority of this State, except notaries, commissioners of deeds, and United States commissioners.

SEC. 267. No person elected or appointed to any office or employment of profit under the laws of this State, or by virtue of any ordinance of any municipality of this State, shall hold such office or employment without personally devoting his time to the performance of the duties thereof.

SEC. 268. All officers elected or appointed to any office in this State, except judges and members of the legislature, shall, before entering upon the discharge of the duties thereof, take and subscribe the following oath:

"I ————, do solemnly swear (or affirm) that I will faithfully support

the constitution of the United States, and the constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of ——— ———; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God."

SEC. 269. Every devise or bequest of lands, tenements or hereditaments, or any interest therein, of freehold, or less than freehold, either present or future, vested or contingent, or of any money directed to be raised by the sale thereof, contained in any last will and testament, or codicil, or other testamentary writing, in favor of any religious or ecclesiastical corporation, sole or aggregate, or any religious or ecclesiastical society, or to any religious denomination, or association or persons, or to any person or body politic, in trust, either expressed or implied, secret or resulting, either for the use and benefit of such religious corporation, society, denomination or association, or for the purpose of being given or appropriated to charitable uses or purposes, shall be null and void, and the heir-at-law shall take the same property so devised or bequeathed, as though no testamentary disposition had been made.

SEC. 270. Every legacy, gift or bequest, of money or personal property, or of any interest, benefit or use therein, either direct, implied or otherwise, contained in any last will and testament or codicil, in favor of any religious or ecclesiastical corporation, sole or aggregate, or any religious or ecclesiastical society, or to any religious denomination or association, either for its own use or benefit, or for the purpose of being given or appropriated to charitable uses, shall be null and void, and the distributees shall take the same as though no such testamentary disposition had been made.

SEC. 271. The legislature may provide for the consolidation of existing counties, if a majority of the qualified electors of such counties voting at an election held for that purpose, shall vote therefor.

SEC. 272. The legislature shall provide by law, pensions for indigent soldiers and sailors who enlisted and honorably served in the Confederate army or navy in the late civil war, who are now resident in this State, and are not able to earn a support by their own labor. Pensions shall also be allowed to the indigent widows of such soldiers or sailors now dead, when from age or disease, they cannot earn a support. Pensions shall also be allowed to the wives of such soldiers or sailors upon the death of the husband, if disabled and indigent as aforesaid. Pensions granted to widows shall cease upon their subsequent marriage.

ARTICLE XV.

AMENDMENTS TO THE CONSTITUTION.

SEC. 273. Whenever two-thirds of each house of the legislature shall deem any change, alteration or amendment necessary to this constitution, such proposed amendment, change or alteration shall be read and passed by two-thirds vote of each house, respectively on each day, for three several days; public notice shall then be given by the secretary of state at least three months preceding an election, at which the qualified electors shall vote directly for or against such change, alteration or amendment, and if more than one amendment shall be submitted at one time, they shall be submitted in such manner and form that the people may vote for or against each amendment separately; and if it shall appear that a majority of the qualified electors voting shall have voted for the proposed change, alteration or amendment, then it shall be inserted at the next succeeding session of the legislature as a part of the constitution and not otherwise.[16]

SCHEDULE.

That no inconvenience may arise from the changes in the constitution of this State, and in order to carry the new constitution into complete operation, it is hereby declared that—

[16] Amendment proposed by the legislature of 1910, ratified on Nov. 8, 1910, and formally inserted in the constitution by the legislature of 1912.

SEC. 274. The laws of this State now in force, not repugnant to this constitution, shall remain in force until amended or repealed by the legislature or until they expire by limitation. All statute laws of this state repugnant to the provisions of this constitution, except as provided in the next three sections, shall continue and remain in force until the first day of April, A. D. 1892, unless sooner repealed by the legislature.

SEC. 275. All laws of this State which are repugnant to the following portions of this constitution, shall be repealed by the adoption of this constitution, to-wit: laws repugnant to:

(a) All the ordinances of this convention.

(b) The provisions of section 183, prohibiting counties, cities and towns from voting subscriptions to railroad and other corporations or associations.

(c) The provisions of sections 223 to 226, inclusive, of Article X, prohibiting the leasing of penitentiary convicts.

SEC. 276. All laws of the State which are repugnant to the provisions of sections 240 to 253, inclusive, of Article XII, on the subject of franchise and elections, shall be and remain in force until the first day of January, A. D. 1891, and no longer.

SEC. 277. All laws of this State which are repugnant to the provisions of Article XIII, sections 254 to 256, inclusive, on the subject of the apportionment of representatives and senators in the legislature, shall be and remain in force until the first day of October, A. D. 1891, but no longer.

SEC. 278. The governor shall as soon as practicable, appoint three suitable persons learned in the law, as commissioners whose duty it shall be to prepare and draft such general laws as are contemplated in this constitution and such other laws as shall be necessary and proper to put into operation the provisions thereof, and as may be appropriate to conform the general statutes of the State to the constitution. Said commissioners shall present the same when prepared to the legislature at its next regular session. And the legislature shall provide reasonable compensation therefor.

SEC. 279. All writs, actions, causes of action, proceedings, prosecutions and rights of individuals and bodies corporate and of the State, and charters of incorporation, shall continue; and all indictments which shall have been found or which shall hereafter be found, and all prosecutions begun, or that may be begun, for any crime or offense committed before the adoption of this constitution may be proceeded with and upon as if no change had taken place.

SEC. 280. For the trial and determination of all suits, civil and criminal begun before the adoption of this constitution, the several courts of this State shall continue to exercise in said suits the powers and jurisdictions heretofore exercised by them; for all other matters said courts are continued as organized courts under this constitution, with such powers and jurisdiction as is herein conferred on them respectively.

SEC. 281. All fines, penalties, forfeitures and escheats accruing to the State of Mississippi under the constitution and laws heretofore in force shall accrue to the use of the State of Mississippi under this constitution, except as herein otherwise provided.

SEC. 282. All recognizances, bonds, obligations, and all other instruments entered into, or executed, before the adoption of this constitution, to the State of Mississippi, or to any State, county, public or municipal officer or body shall remain binding and valid, and the rights and liabilities upon the same shall be continued and may be prosecuted as provided by law.

SEC. 283. All crimes and misdemeanors, and penal actions shall be tried prosecuted and punished as though no change had taken place, until otherwise provided by law.

SEC. 284. All officers, State, district, county and municipal, now in office in this State, shall be entitled to hold the respective offices now held by them except as otherwise herein provided, and until the expiration of the time for which they were respectively elected or appointed: and shall receive the compensation and fees now fixed by the statute laws in force when this constitution is adopted.

SEC. 285. The adoption of this constitution shall not have the effect, nor shall it be construed, to revive or put in force any law heretofore abrogated or repealed.

This constitution, adopted by the people of Mississippi in convention assembled, shall be in force and effect from and after this, the first day of November, A. D. 1890.

S. S. CALHOON,
President and Delegate from Hinds county.

ATTEST:

R. E. WILSON,
Secretary.

E. L. MARTIN,
Ass't Sec'y and Recording Clerk.

H. DENIO,
Ass't Sec'y and Journal Clerk.

W. H. MADDEN,
Ass't Sec'y and Engrossing and Enrolling Clerk.

CONSTITUTION OF MISSOURI—1875.*

PREAMBLE.

We, the people of Missouri, with profound reverence for the Supren Ruler of the Universe, and grateful for His goodness, do, for the better go ernment of the State, establish this Constitution.

ARTICLE I.

BOUNDARIES.

SECTION 1. The boundaries of the State, as heretofore established l law, are hereby ratified and confirmed. The State shall have concurrent juri diction on the river Mississippi, and every other river bordering on the Stat so far as the said rivers shall form a common boundary to this State ar any other State or States; and the river Mississippi and the navigable rive and waters leading to the same shall be common highways, and forever fr to the citizens of this State and of the United States, without any tax, dut impost or toll therefor, imposed by this State.

ARTICLE II.

BILL OF RIGHTS.

In order to assert out rights, acknowledge our duties, and proclaim th principles on which our government is founded, we declare:

SECTION 1. That all political power is vested in and derived from th people; that all government of right originates from the people, is founde upon their will only, and is instituted solely for the good of the whole.

SEC. 2. That the people of this State have the inherent, sole and excl sive right to regulate the internal government and police thereof, and alter and abolish their Constitution and form of government whenever the may deem it necessary to their safety and happiness: Provided, Such chang be not repugnant to the Constitution of the United States.

SEC. 3. That Missouri is a free and independent State, subject only the Constitution of the United States; and as the preservation of the Stat and the maintenance of their governments are necessary to an indestructib Union, and were intended to co-exist with it, the Legislature is not authoriz to adopt, nor will the people of this State ever assent to any amendment change of the Constitution of the United States which may in any wise i pair the right of local self-government belonging to the people of this State.

SEC. 4. That all constitutional government is intended to promote th general welfare of the people; that all persons have a natural right to lif liberty and the enjoyment of the gains of their own industry; that to gi security to these things is the principal office of government, and that wh government does not confer this security, it fails of its chief design.

SEC. 5. That all men have a natural and indefeasible right to worsh Almighty God according to the dictates of their own conscience; that person can, on account of his religious opinions, be rendered ineligible any office of trust or profit under this State, nor be disqualified from tes fying, or from serving as a juror; that no human authority can control interfere with the rights of conscience; that no person ought, by any la to be molested in his person or estate, on account of his religious persuasi

* The convention which drafted the constitution of Missouri assembled at Jeffers City on May 5, 1875, and adjourned on August 2, 1875. The constitution was submitt to the electors on October 30, 1875, and was ratified by a vote of 91,205 to 14,517. proclamation of the governor it became the organic law of the state on November 3 1875. The constitution was submitted as a whole and no proposition was submitt separately.

or profession; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, nor to justify practices inconsistent with the good order, peace or safety of this State, or with the rights of others.

SEC. 6. That no person can be compelled to erect, support or attend any place or system of worship, or to maintain or support any priest, minister, preacher or teacher of any sect, church, creed or denomination of religion; but if any person shall voluntarily make a contract for any such object, he shall be held to the performance of the same.

SEC. 7. That no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof, as such; and that no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.

SEC. 8. That no religious corporation can be established in this State, except such as may be created under a general law for the purpose only of holding the title to such real estate as may be prescribed by law for church edifices, parsonages and cemeteries.

SEC. 9. That all elections shall be free and open; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 10. The courts of justice shall be open to every person, and certain remedy afforded for every injury to person, property or character, and that right and justice should be administered without sale, denial or delay.

SEC. 11. That the people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures; and no warrant to search any place, or seize any person, or thing, shall issue without describing the place to be searched, or the person or thing to be seized, as nearly as may be; nor without probable cause, supported by oath or affirmation reduced to writing.

SEC. 12. No person shall be prosecuted criminally for felony or misdemeanor otherwise than by indictment or information, which shall be concurrent remedies, but this shall not be construed to apply to cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger.[1]

SEC. 13. That treason against the State can consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; that no person can be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on his confession in open court; that no person can be attainted of treason or felony by the General Assembly; that no conviction can work corruption of blood or forfeiture of estate; that the estates of such persons as may destroy their own lives shall descend or vest as in cases of natural death; and when any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 14. That no law shall be passed impairing the freedom of speech; that every person shall be free to say, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel the truth thereof may be given in evidence, and the jury, under the direction of the court, shall determine the law and the fact.

SEC. 15. That no ex post facto law, nor law impairing the obligation of contracts, or retrospective in its operation, or making any irrevocable grant of special privileges or immunities, can be passed by the General Assembly.

SEC. 16. That imprisonment for debt shall not be allowed, except for the non-payment of fines and penalties imposed for violation of law.

SEC. 17. That the right of no citizen to keep and bear arms in defense of his home, person and property, or in aid of the civil power, when thereto

[1] Amendment proposed by the general assembly of 1899 and ratified at the election of November 6, 1900.

legally summoned, shall be called in question; but nothing herein contained is intended to justify the practice of wearing concealed weapons.

SEC. 18. That no person elected or appointed to any office or employment of trust or profit under the laws of this State, or any ordinance of any municipality in this State, shall hold such office without personally devoting his time to the performance of the duties to the same belonging.

SEC. 19. That no person who is now or may hereafter become a collector or receiver of public money, or assistant or deputy of such collector or receiver, shall be eligible to any office of trust or profit in the State of Missouri under the laws thereof, or of any municipality therein, until he shall have accounted for and paid over all the public money for which he may be accountable.

SEC. 20. That no private property can be taken for private use, with or without compensation, unless by the consent of the owner, except for private ways of necessity, and except for drains and ditches across the lands of others for agricultural and sanitary purposes, in such manner as may be prescribed by law; and that whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and as such judicially determined, without regard to any legislative assertion that the use is public.

SEC. 21. That private property shall not be taken or damaged for public use without just compensation. Such compensation shall be ascertained by a jury or board of commissioners of not less than three freeholders, in such manner as may be prescribed by law; and until the same shall be paid to the owner, or into court for the owner, the property shall not be disturbed or the proprietary rights of the owner therein divested. The fee of land taken for railroad tracks without consent of the owner thereof shall remain in such owner, subject to the use for which it is taken.

SEC. 22. In criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

SEC. 23. That no person shall be compelled to testify against himself in a criminal cause, nor shall any person, after being once acquitted by a jury, be again, for the same offense, put in jeopardy of life and liberty; but if the jury to which the question of his guilt or innocence is submitted fail to render a verdict, the court before which the trial is had may, in its discretion, discharge the jury and commit or bail the prisoner for trial at the next term of court, or, if the state of business will permit, at the same term; and if judgment be arrested after a verdict of guilty on a defective indictment, or if judgment on a verdict of guilty be reversed for error in law, nothing herein contained shall prevent a new trial of the prisoner on a proper indictment, or according to correct principles of law.

SEC. 24. That all persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 25. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

SEC. 26. That the privilege of the writ of habeas corpus shall never be suspended.

SEC. 27. That the military shall always be in strict subordination to the civil power; that no soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

SEC. 28. The right of trial by jury, as heretofore enjoyed, shall remain inviolate; but a jury for the trial of criminal or civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law; and that a two-thirds majority of such number prescribed by law concurring may render a verdict in all civil cases. And that in the trial by jury of all civil cases in courts of record, three-fourths of the members of the jury

concurring may render a verdict. Hereafter, a grand jury shall consist of twelve men, any nine of whom concurring may find an indictment or a true bill: Provided, however, that no grand jury shall be convened except upon an order of a judge of a court having the power to try and determine felonies; but when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime.[2]

SEC. 29. That the people have the right peaceably to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

SEC. 30. That no person shall be deprived of life, liberty or property without due process of law.

SEC. 31. That there cannot be in this State either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 32. The enumeration in this Constitution of certain rights shall not be construed to deny, impair or disparage others retained by the people.

ARTICLE III.

THE DISTRIBUTION OF POWERS.

The powers of government shall be divided into three distinct departments—the legislative, executive and judicial—each of which shall be confided to a separate magistracy, and no person, or collection of persons, charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in the instances in this Constitution expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power, subject to the limitations herein contained, shall be vested in a Senate and House of Representatives, to be styled "The General Assembly of the State of Missouri."

REPRESENTATION AND APPORTIONMENT.

SEC. 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained at each apportioning session of the General Assembly, by dividing the whole number of inhabitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be entitled to two Representatives; each county having four times said ratio shall be entitled to three Representatives; each county having six times such ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

SEC. 3. When any county shall be entitled to more than one Representative, the county court shall cause such county to be subdivided into districts of compact and contiguous territory, corresponding in number to the Representatives to which such county is entitled, and in population as nearly equal as may be, in each of which the qualified voters shall elect one Representative, who shall be a resident of such district: Provided, That when any county shall be entitled to more than ten Representatives, the circuit court shall cause such county to be subdivided into districts, so as to give each

[2] Two separate amendments were proposed to this section by the general assembly of 1899 and ratified at the election of November 6, 1900. The first amendment of 1900 added the clause reading: "and that a two-thirds majority of such number prescribed by law concurring may render a verdict in all civil cases. And that in the trial by jury of all civil cases in courts of record, three-fourths of the members of the jury concurring may render a verdict." The second amendment of 1900 added the proviso.

district not less than two nor more than four Representatives, who shall be residents of such district—the population of the districts to be proportioned to the number of Representatives to be elected therefrom.

SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-four years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State two years, and an inhabitant of the county or district which he may be chosen to represent one year next before the day of his election, if such county or district shall have been so long established, but if not, then of the county or district from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election.

SEC. 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, the same to be ascertained by the last decennial census taken by the United States.

SEC. 6. No person shall be a Senator who shall not have attained the age of thirty years, who shall not be a male citizen of the United States, who shall not have been a qualified voter of this State three years, and an inhabitant of the district which he may be chosen to represent one year next before the day of his election, if such district shall have been so long established, but if not, then of the district or districts from which the same shall have been taken, and who shall not have paid a State and county tax within one year next preceding the election. When any county shall be entitled to more than one Senator, the circuit court shall cause such county to be subdivided into districts of compact and contiguous territory, and of population as nearly equal as may be, corresponding in number with the Senators to which such county may be entitled; and in each of these one Senator, who shall be a resident of such district, shall be elected by the qualified voters thereof.

SEC. 7. Senators and Representatives shall be chosen according to the rule of apportionment established in this Constitution, until the next decennial census by the United States shall have been taken, and the result thereof as to this State ascertained, when the apportionment shall be revised and adjusted on the basis of that census, and every ten years thereafter upon the basis of the United States census; or if such census be not taken, or is delayed, then on the basis of a State census; such apportionment to be made at the first session of the General Assembly after each such census: Provided, That, if at any time, or from any cause, the General Assembly shall fail or refuse to district the State for Senators, as required in this section, it shall be the duty of the Governor, Secretary of State and Attorney-General, within thirty days after the adjournment of the General Assembly on which such duty devolved, to perform said duty, and to file in the office of the Secretary of State a full statement of the districts formed by them, including the names of the counties embraced in each district, and the numbers thereof; said statement to be signed by them, and attested by the Great Seal of the State, and upon the proclamation of the Governor, the same shall be as binding and effectual as if done by the General Assembly.

SEC. 8. Until an apportionment of Representatives can be made in accordance with the provisions of this article, the House of Representatives shall consist of one hundred and forty-three members, which shall be divided among the several counties of the State as follows: The county of St. Louis shall have seventeen; the county of Jackson four; the county of Buchanan three; the counties of Franklin, Greene, Johnson, Lafayette, Macon, Marion, Pike and Saline, each two, and each of the other counties in the State one.

SEC. 9. Senatorial and Representative districts may be altered, from time to time, as public convenience may require. When any Senatorial district shall be composed of two or more counties, they shall be contiguous; such districts to be as compact as may be, and in the formation of the same no county shall be divided.

SEC. 10. The first election of Senators and Representatives, under this Constitution, shall be held at the general election in the year one thousand eight hundred and seventy-six, when the whole number of Representatives, and the Senators from the districts having odd numbers, who shall compose the first class, shall be chosen; and in one thousand eight hundred and seventy-eight, the Senators from the districts having even numbers, who shall compose the second class, and so on at each succeding general election, half the Senators provided for by this Constitution shall be chosen.

SEC. 11. Until the State shall be divided into Senatorial districts, in accordance with the provisions of this article, said districts shall be constituted and numbered as follows:

The First District shall be composed of the counties of Andrew, Holt, Nodaway and Atchison.

Second District—The counties of Buchanan, DeKalb, Gentry and Worth.

Third District—The counties of Clay, Clinton and Platte.

Fourth District—The counties of Caldwell, Ray, Daviess and Harrison.

Fifth District—The counties of Livingston, Grundy, Mercer and Carroll.

Sixth District—The counties of Linn, Sullivan, Putnam and Chariton.

Seventh District—The counties of Randolph, Howard and Monroe.

Eighth District—The counties of Adair, Macon and Schuyler.

Ninth District—The counties of Audrain, Boone and Callaway.

Tenth District—The counties of St. Charles and Warren.

Eleventh District—The counties of Pike, Lincoln and Montgomery.

Twelfth District—The counties of Lewis, Clark, Scotland and Knox.

Thirteenth District—The counties of Marion, Shelby and Ralls.

Fourteenth District—The counties of Bates, Cass and Henry.

Fifteenth District—The county of Jackson.

Sixteenth District—The counties of Vernon, Barton, Jasper, Newton and McDonald.

Seventeenth District—The counties of Lafayette and Johnson.

Eighteenth District—The counties of Greene, Lawrence, Barry, Stone and Christian.

Nineteenth District—The counties of Saline, Pettis and Benton.

Twentieth District—The counties of Polk, Hickory, Dallas, Dade, Cedar and St. Clair.

Twenty-first District—The counties of Laclede, Webster, Wright, Texas, Douglas, Taney, Ozark and Howell.

Twenty-second District—The counties of Phelps, Miller, Maries, Camden, Pulaski, Crawford and Dent.

Twenty-third District—The counties of Cape Girardeau, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard and Scott.

Twenty-fourth District—The counties of Iron, Madison, Bollinger, Wayne, Butler, Reynolds, Carter, Ripley, Oregon and Shannon.

Twenty-fifth District—The counties of Franklin, Gasconade and Osage.

Twenty-sixth District—The counties of Washington, Jefferson, St. Francois, Ste. Genevieve and Perry.

Twenty-eighth District—The counties of Cooper, Moniteau, Morgan and Cole.

St. Louis county shall be divided into seven districts, numbered respectively as follows:

Twenty-seventh, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth.

[The Forty-first General Assembly having adjourned without redistricting the State into senatorial districts, that duty devolved upon the Governor, Secretary of State and Attorney General by the provisions of its Constitution (Sec. 7, Art. IV), and they accordingly, on the 6th day of April, 1901, performed that duty, and divided the State into thirty-four senatorial districts, as follows:]

First—The counties of Atchison, Gentry, Nodaway and Worth.

Second—The county of Buchanan.

Third—The counties of Andrew, Clay, Clinton, DeKalb, Holt and Platte.

Fourth—The counties of Grundy, Harrison, Livingston, Mercer and Putnam.
Fifth and Seventh—The county of Jackson.
Sixth—The counties of Chariton, Linn and Sullivan.
Eighth—The counties of Caldwell, Carroll, Daviess and Ray.
Ninth—The counties of Adair, Macon and Shelby.
Tenth—The counties of Boone, Callaway, Montgomery, St. Charles and Warren.
Eleventh—The counties of Audrain, Lincoln and Pike.
Twelfth—The counties of Clark, Knox, Lewis, Scotland and Schuyler.
Thirteenth—The counties of Marion, Monroe, Ralls and Randolph.
Fourteenth—The counties of Camden, Cooper, Howard, Moniteau and Morgan.
Fifteenth—The counties of Benton, Hickory, Pettis and Saline.
Sixteenth—The counties of Bates, Cedar, Henry and St. Clair.
Seventeenth—The counties of Cass, Johnson and Lafayette.
Eighteenth—The counties of Barry, Lawrence, McDonald and Newton.
Nineteenth—The counties of Christian, Dallas, Douglas, Ozark, Polk, Stone, Taney and Webster.
Twentieth—The counties of Barton, Dade, Greene and Vernon.
Twenty-first—The counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Ripley and Wayne.
Twenty-second—The counties of Howell, Oregon, Shannon, Texas and Wright.
Twenty-third—The counties of Mississippi, New Madrid, Pemiscot, Scott and Stoddard.
Twenty-fourth—The counties of Crawford, Dent, Iron, Phelps, Reynolds and Washington.
Twenty-fifth—The counties of Franklin, Gasconade and St. Louis.
Twenty-sixth—The counties of Jefferson, Madison, Perry, St. Francois and Ste. Genevieve.
Twenty-seventh—The counties of Cole, Laclede, Maries, Miller, Osage and Pulaski.
Twenty-eighth—The county of Jasper.
Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-third and Thirty-fourth—The City of St. Louis.

SEC. 12. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office under this State, or any municipality thereof; and no member of Congress or person holding any lucrative office under the United States, or this State, or any municipality thereof (militia officers, justices of the peace and notaries public excepted), shall be eligible to either house of the General Assembly, or remain a member thereof, after having accepted any such office or seat in either house of Congress.

SEC. 13. If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby be vacated.

SEC. 14. Writs of election to fill such vacancies as may occur in either house of the General Assembly shall be issued by the Governor.

SEC. 15. Every Senator and Representative elect, before entering upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, that I will support the Constitution of the United States and of the State of Missouri, and faithfully perform the duties of my office; and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law." The oath shall be administered in the halls of their respective houses, to the members thereof, by some judge of the Supreme court, or the circuit court, or the county court of Cole county, or after the organization by the presiding officer of either house, and shall be filed in the office of the Secretary of State. Any member of either house refusing to take said oath or affirmation shall be deemed to have thereby vacated his office, and any

member convicted of having violated his oath or affirmation shall be deemed guilty of perjury, and be forever thereafter disqualified from holding any office of trust or profit in this State.

SEC. 16. The members of the General Assembly shall severally receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not to exceed five dollars per day for the first seventy days of each session, and after that not to exceed one dollar per day for the remainder of the session, except the first session held under this Constitution, and during revising sessions, when they may receive five dollars per day for one hundred and twenty days, and one dollar per day for remainder of such sessions. In addition to per diem, the members shall be entitled to receive traveling expenses or mileage, for any regular and extra session not greater than now provided by law; but no member shall be entitled to traveling expenses or mileage for any extra session that may be called within one day after an adjournment of a regular session. Committees of either house, or joint committees of both houses, appointed to examine the institutions of the State, other than those at the seat of government, may receive their actual expenses, necessarily incurred while in the performance of such duty; the items of such expenses to be returned to the chairman of such committee, and by him certified to the State Auditor, before the same, or any part thereof, can be paid. Each member may receive at each regular session an additional sum of thirty dollars, which shall be in full for all stationery used in his official capacity, and all postage, and all other incidental expenses and perquisites; and no allowance or emoluments, for any purpose whatever, shall be made to or received by the members, or any member of either house, or for their use, out of the contingent fund or otherwise, except as herein expressly provided; and no allowance or emolument, for any purpose whatever, shall ever be paid to any officer, agent, servant or employee of either house of the General Assembly, or of any committee thereof, except such per diem as may be provided for by law, not to exceed five dollars.

SEC. 17. Each house shall appoint its own officers; shall be sole judge of the qualifications, elections and returns of its own members; may determine the rules of its own proceedings, except as herein provided; may arrest and punish by fine not exceeding three hundred dollars, or imprisonment in a county jail not exceeding ten days, or both, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence during its sessions; may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all members elect, may expel a member; but no member shall be expelled a second time for the same cause.

SEC. 18. A majority of the whole number of members of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 19. The sessions of each house shall be held with open doors, except in cases which may require secrecy.

SEC. 20. The General Assembly elected in the year one thousand eight hundred and seventy-six shall meet on the first Wednesday after the first day of January, one thousand eight hundred and seventy-seven; and thereafter the General Assembly shall meet in regular session once only in every two years; and such meeting shall be on the first Wednesday after the first day of January next after the elections of the members thereof.

SEC. 21. Every adjournment or recess taken by the General Assembly for more than three days shall have the effect of and be an adjournment sine die.

SEC. 22. Every adjournment or recess taken by the General Assembly for three days or less shall be construed as not interrupting the session at which they are had or taken, but as continuing the session for all the purposes mentioned in section sixteen of this article.

SEC. 23. Neither house shall, without the consent of the other, adjourn

for more than two days at any one time, nor to any other place than that in which the two houses may be sitting.

LEGISLATIVE PROCEEDINGS.

SEC. 24. The style of the laws of this State shall be: "*Be it enacted by the General Assembly of the State of Missouri, as follows.*"

SEC. 25. No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

SEC. 26. Bills may originate in either house, and may be amended or rejected by the other; and every bill shall be read on three different days in each house.

SEC. 27. No bill shall be considered for final passage unless the same has been reported upon by a committee and printed for the use of the members.

SEC. 28. No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated, and except bills passed under the third subdivision of section forty-four of this article) shall contain more than one subject, which shall be clearly expressed in its title.

SEC. 29. All amendments adopted by either house to a bill pending and originating in the same shall be incorporated with the bill by engrossment, and the bill as thus engrossed shall be printed for the use of the members before its final passage. The engrossing and printing shall be under the supervision of a committee, whose report to the house shall set forth, in writing, that they find the bill truly engrossed, and that the printed copy furnished to the members is correct.

SEC. 30. If a bill passed by either house be returned thereto, amended by the other, the house to which the same is returned shall cause the amendment or amendments so received to be printed under the same supervision as provided in the next preceding section, for the use of the members before final action on such amendments.

SEC. 31. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal and a majority of the members elected to each house be recorded thereon as voting in its favor.

SEC. 32. No amendment to bills by one house shall be concurred in by the other, except by a vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conferences shall be adopted in either house only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journal.

SEC. 33. No act shall be revived or re-enacted by mere reference to the title thereof, but the same shall be set forth at length, as if it were an original act.

SEC. 34. No act shall be amended by providing that designated words thereof be stricken out, or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof; but the words to be stricken out, or the words to be inserted, or the words to be stricken out and those inserted in lieu thereof, together with the act or section amended, shall be set forth in full as amended.

SEC. 35. When a bill is put upon its final passage in either house, and failing to pass, a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the house proceeds to any other business.

SEC. 36. No law passed by the General Assembly, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act), the General Assembly shall, by a vote of two-thirds of all the

members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journal.

SEC. 37. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session; and before such officer shall affix his signature to any bill, he shall suspend all other business, declare that such bill will now be read, and that, if no objections be made, he will sign the same to the end that it may become a law. The bill shall then be read at length, and if no objection be made, he shall, in presence of the house, in open session, and before any other business is entertained, affix his signature, which fact shall be noted on the journal, and the bill immediately sent to the other house. When it reaches the other house, the presiding officer thereof shall immediately suspend all other business, announce the reception of the bill, and the same proceedings shall thereupon be observed, in every respect, as in the house in which it was first signed. If in either house any member shall object that any substitution, omission or insertion has occurred, so that the bill proposed to be signed is not the same in substance and form as when considered and passed by the house, or that any particular clause of this article of the Constitution has been violated in its passage, such objection shall be passed upon by the house, and if sustained, the presiding officer shall withhold his signature; but if such objection shall not be sustained, then any five members may embody the same, over their signatures, in a written protest, under oath, against the signing of the bill. Said protest, when offered in the house, shall be noted upon the journal, and the original shall be annexed to the bill to be considered by the Governor in connection therewith.

SEC. 38. When the bill has been signed, as provided for in the preceding section, it shall be the duty of the Secretary of the Senate, if the bill originated in the Senate, and of the Chief Clerk of the House of Representatives, if the bill originated in the House, to present the same in person, on the same day on which it was signed as aforesaid, to the Governor, and enter the fact upon the journal. Every bill presented to the Governor, and returned within ten days to the house in which the same originated, with the approval of the Governor, shall become a law, unless it be in violation of some provision of this Constitution.

SEC. 39. Every bill presented as aforesaid, but returned without the approval of the Governor, and with his objections thereto, shall stand as reconsidered in the house to which it is returned. The house shall cause the objections of the Governor to be entered at large upon the journal, and proceed, at its convenience, to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Governor thereto notwithstanding?" The vote upon this question shall be taken by yeas and nays, and the names entered upon the journal, and if two-thirds of all the members elected to the house vote in the affirmative, the presiding officer of that house shall certify that fact on the roll, attesting the same by his signature, and send the bill, with the objections of the Governor, to the other house, in which like proceedings shall be had in relation thereto; and if the bill receive a like majority of the votes of all the members elected to that house, the vote being taken by yeas and nays, the presiding officer thereof shall, in like manner, certify the fact upon the bill. The bill thus certified shall be deposited in the office of the Secretary of State, as an authentic act, and shall become a law in the same manner and with like effect as if it had received the approval of the Governor.

SEC. 40. Whenever the Governor shall fail to perform his duty, as prescribed in section 12, Article V of this Constitution, in relation to any bill presented to him for his approval, the General Assembly may, by joint resolution, reciting the fact of such failure and the bill at length, direct the Secretary of State to enroll the same as an authentic act, in the archives of the State, and such enrollment shall have the same effect as an approval by the Governor: Provided, That such joint resolution shall not be submitted to the Governor for his approval.

SEC. 41. Within five years after the adoption of this Constitution, all the statute laws of a general nature, both civil and criminal, shall be revised, digested and promulgated in such manner as the General Assembly shall direct; and a like revision, digest and promulgation shall be made at the expiration of every subsequent period of ten years.

SEC. 42. Each house shall, from time to time, publish a journal of its proceedings, and the yeas and nays on any question shall be taken and entered on the journal at the motion of any two members. Whenever the yeas and nays are demanded, the whole list of members shall be called, and the names of the absentees shall be noted and published in the journal.

LIMITATION ON LEGISLATIVE POWER.

SEC. 43. All revenue collected and moneys received by the State from any source whatsoever shall go into the treasury, and the General Assembly shall have no power to divert the same, or to permit money to be drawn from the treasury, except in pursuance of regular appropriations made by law. All appropriations of money by the successive General Assemblies shall be made in the following order:

First, For the payment of all interest upon the bonded debt of the State that may become due during the term for which each General Assembly is elected.

Second. For the benefit of the sinking fund, which shall not be less annually than two hundred and fifty thousand dollars.

Third, For free public school purposes.

Fourth, For the payment of the cost of assessing and collecting the revenue.

Fifth, For the payment of the civil list.

Sixth, For the support of the eleemosynary institutions of the State.

Seventh, For the pay of the General Assembly, and such other purposes not herein prohibited as it may deem necessary; but no General Assembly shall have power to make any appropriation of money for any purpose whatsoever, until the respective sums necessary for the purposes in this section specified have been set apart and appropriated, or to give priority in its action to a succeeding over a preceding item as above enumerated.

SEC. 44. The General Assembly shall have no power to contract or to authorize the contracting of any debt or liability on behalf of the State, or to issue bonds or other evidences of indebtedness thereof, except in the following cases:

First, In renewal of existing bonds, when they cannot be paid at maturity, out of the sinking fund or other resources.

Second, On the occurring of an unforeseen emergency, or casual deficiency of the revenue, when the temporary liability incurred, upon the recommendation of the Governor first had, shall not exceed the sum of two hundred and fifty thousand dollars for any one year, to be paid in not more than two years from and after its creation.

Third, On the occurring of an unforeseen emergency, or casual deficiency of the revenue, when the temporary liability incurred or to be incurred shall exceed the sum of two hundred and fifty thousand dollars for any one year, the General Assembly may submit an act providing for the loan, or for the contracting of the liability, and containing a provision for levying a tax sufficient to pay the interest and principal when they become due (the latter in not more than thirteen years from the date of its creation), to the qualified voters of the State, and when the act so submitted shall have been ratified by a two-thirds majority, at an election held for that purpose, due publication having been made of the provisions of the act for at least three months before such election, the act thus ratified shall be irrepealable until the debt thereby incurred shall be paid, principal and interest.

SEC. 45. The General Assembly shall have no power to give or to lend, or to authorize the giving or lending of the credit of the State in aid of or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of

individuals, municipal or other corporation whatsoever: Provided, That the General Assembly shall have the power to appropriate from funds in the State sinking fund, being the proceeds of the tax authorized under section 14 of article X of the Constitution, to an amount not exceeding one million dollars for the exhibition of the resources, products and industries of the State in the centennial celebration of the Louisiana purchase in the city of St. Louis.[3]

SEC. 46. The General Assembly shall have no power to make any grant, or to authorize the making of any grant of public money or thing of value to any individual, association of individuals, municipal or other corporation whatsoever: Provided, That this shall not be so construed as to prevent the grant of aid in a case of public calamity.

SEC. 47. The General Assembly shall have no power to authorize any county, city, town or township, or other political corporation or subdivision of the State now existing or that may be hereafter established, to lend its credit, or to grant public money or thing of value in aid of or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company: Provided, That this shall not be so construed as to prohibit the General Assembly from providing by law for authorizing the creation, maintenance and management of a fund for the pensioning of crippled and disabled firemen, and for the relief of the widows and minor children of deceased firemen, by such cities, villages or incorporated towns as may have an organized fire department—said fund to be taken from the municipal revenue of such cities, villages or incorporated towns. Provided further, that nothing in this Constitution contained shall be construed as prohibiting the General Assembly from granting, or authorizing the granting of, pensions to the deserving blind, as may be provided and regulated by law.[4]

SEC. 48. The General Assembly shall have no power to grant, or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay nor authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 49. The General Assembly shall have no power hereafter to subscribe or authorize the subscription of stock on behalf of the State, in any corporation or association, except for the purpose of securing loans heretofore extended to certain railroad corporations by the State.

SEC. 50. The General Assembly shall have no power to release or alienate the lien held by the State upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 51. The General Assembly shall have no power to release or extinguish, or authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this State, or to any county or other municipal corporation therein.

SEC. 52. The General Assembly shall have no power to make any appropriation of money, or to issue any bonds or other evidences of indebtedness for the payment, or on account or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An act to audit and adjust the war debt of the State," approved March 19, 1874, or any act of a similar nature, until after the claims so audited shall have been pre-

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[3] Amendment proposed by the general assembly of 1899 and ratified at the election of November 6, 1900. The amendment of 1900 added the proviso only.

[4] Section 47 has been amended twice; the first amendment was proposed by the general assembly of 1891 and was ratified at the election of November 8, 1892; the second amendment was proposed by the general assembly of 1915 and was ratified at the election of November 7, 1916. The amendment of 1892 added the first proviso and the amendment of 1916 added the second.

sented to and paid by the Government of the United States to the State of Missouri.

SEC. 53. The General Assembly shall not pass any local or special law:

(1) Authorizing the creation, extension or impairing of liens:

(2) Regulating the affairs of counties, cities, townships, wards or school districts:

(3) Changing the names of persons or places:

(4) Changing the venue in civil or criminal cases:

(5) Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:

(6) Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State:

(7) Vacating roads, town plats, streets or alleys:

(8) Relating to cemeteries, grave-yards or public grounds not of the State:

(9) Authorizing the adoption or legitimation of children:

(10) Locating or changing county seats:

(11) Incorporating cities, towns or villages, or changing their charters:

(12) For the opening and conducting of elections, or fixing or changing the places of voting:

(13) Granting divorces:

(14) Erecting new townships, or changing township lines, or the lines of school districts:

(15) Creating offices, or prescribing the powers and duties of officers in counties, cities, townships, election or school districts:

(16) Changing the law of descent or succession:

(17) Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments or prescribing the effect of judicial sales of real estate:

(18) Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

(19) Regulating the management of public schools, the building or repairing of school-houses, and the raising of money for such purposes:

(20) Fixing the rate of interest:

(21) Affecting the estates of minors or persons under disability:

(22) Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

(23) Exempting property from taxation:

(24) Regulating labor, trade, mining or manufacturing;

(25) Creating corporations, or amending, renewing, extending or explaining the charter thereof:

(26) Granting to any corporation, association or individual any special or exclusive right, privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

(27) Declaring any named person of age:

(28) Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of their official duties, or their securities from liability:

(29) Giving effect to informal or invalid wills or deeds:

(30) Summoning or empaneling grand or petit juries:

(31) For limitation of civil actions:

(32) Legalizing the unauthorized or invalid acts of any officer or agent of the State, or of any county or municipality thereof. In all other cases where a general law can be made applicable, no local or special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined, without regard to any legislative assertion on that subject.

(33) Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

SEC. 54. No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the General Assembly of such bill, and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed, and the notice shall be recited in the act according to its tenor.

SEC. 55. The General Assembly shall have no power, when convened in extra session by the Governor, to act upon subjects other than those specially designated in the proclamation by which the session is called, or recommended by special message to its consideration by the Governor after it shall have been convened.

SEC. 56. The General Assembly shall have no power to remove the seat of government of this State from the City of Jefferson.

SEC. 57. The legislative authority of the State shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and amendments to the Constitution, and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent. of the legal voters in each of at least two-thirds of the congressional districts in the State shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety and laws making appropriations for the current expenses of the State government, for the maintenance of the state institutions and for the support of public schools) either by the petitions signed by five per cent. of the legal voters in each of at least two-thirds of the congressional districts in the State, or by the Legislative Assembly, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the State shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the State of Missouri." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the initiative, or for the referendum, shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.[5]

[5] Section 57 is a new section; it was proposed by the general assembly of 1907 and ratified at the election of November 3, 1908.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney General and Superintendent of Public Schools, all of whom, except the Lieutenant-Governor, shall reside at the seat of Government during their term of office, and keep the public records, books and papers there, and shall perform such duties as may be prescribed by law.

SEC. 2. The term of office of the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General and Superintendent of Public Schools shall be four years from the second Monday of January next after their election, and until their successors are elected and qualified; and the Governor and State Treasurer shall be ineligible to re-election as their own successors. At the general election to be held in the year one thousand eight hundred and seventy-six, and every four years thereafter, all of such officers, except the Superintendent of Public Schools, shall be elected; and the Superintendent of Public Schools shall be elected at the general election in the year one thousand eight hundred and seventy-eight, and every four years thereafter.

SEC. 3. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each House of the General Assembly, who shall for that purpose assemble in the hall of the House of Representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more shall have an equal and the highest number of votes, the General Assembly shall, by joint vote, choose one of such persons for said office.

SEC. 4. The supreme executive power shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Missouri."

SEC. 5. The Governor shall be at least thirty-five years old, a male, and shall have been a citizen of the United States ten years, and a resident of this State seven years next before his election.

SEC. 6. The Governor shall take care that the laws are distributed and faithfully executed; and he shall be a conservator of the peace throughout the State.

SEC. 7. The Governor shall be commander-in-chief of the militia of the State, except when they shall be called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion; but he need not command in person unless directed so to do by a resolution of the General Assembly.

SEC. 8. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such condition and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall, at each session of the General Assembly, communicate to that body each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the commutation, pardon or reprieve, and the reason for granting the same.

SEC. 9. The Governor shall, from time to time, give to the General Assembly information relative to the state of the government, and shall recommend to its consideration such measures as he shall deem necessary and expedient. On extraordinary occasions he may convene the General Assembly by proclamation, wherein he shall state specifically each matter concerning which the action of that body is deemed necessary.

SEC. 10. The Governor shall, at the commencement of each session of the General Assembly, and at the close of his term of office, give information

by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the General Assembly, in such manner as may be prescribed by law, for all moneys received and paid out by him from any funds subject to his order, with vouchers; and at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 11. When any office shall become vacant, the Governor, unless otherwise provided by law, shall appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed and qualified according to law.

SEC. 12. The Governor shall consider all bills and joint resolutions, which, having been passed by both houses of the General Assembly, shall be presented to him. He shall, within ten days after the same shall have been presented to him, return to the house in which they respectively originated, all such bills and joint resolutions, with his approval indorsed thereon, or accompanied by his objections: Provided, That if the General Assembly shall finally adjourn within ten days after such presentation, the Governor may, within thirty days thereafter, return such bills and resolutions to the office of the Secretary of State, with his approval or reasons for disapproval.

SEC. 13. If any bill presented to the Governor contain several items of appropriation of money, he may object to one or more items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriations so objected to shall not take effect. If the General Assembly be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If it be not in session, then he shall transmit the same within thirty days to the office of the Secretary of State, with his approval or reasons for disapproval.

SEC. 14. Every resolution to which the concurrence of the Senate and House of Representatives may be necessary, except on questions of adjournment, of going into joint session, and of amending this Constitution, shall be presented to the Governor, and before the same shall take effect, shall be proceeded upon in the same manner as in the case of a bill: Provided, That no resolution shall have the effect to repeal, extend, alter or amend any law.

SEC. 15. The Lieutenant-Governor shall possess the same qualifications as the Governor, and by virtue of his office shall be President of the Senate. In committee of the whole he may debate all questions, and when there is an equal division he shall give the casting vote in the Senate, and also in joint vote of both houses.

SEC. 16. In case of death, conviction or impeachment, failure to qualify, resignation, absence from the State or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.

SEC. 17. The Senate shall choose a president pro tempore to preside in cases of the absence or impeachment of the Lieutenant-Governor, or when he shall hold the office of Governor. If there be no Lieutenant-Governor, or the Lieutenant-Governor shall, for any of the causes specified in section sixteen of this article, become incapable of performing the duties of the office, the President of the Senate shall act as Governor until the vacancy is filled or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Representatives, in the same manner and with the same powers and compensation as are prescribed in the case of the office devolving upon the Lieutenant-Governor.

SEC. 18. The Lieutenant-Governor or the President pro tempore of the Senate, while presiding in the Senate, shall receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

SEC. 19. No person shall be eligible to the office of Secretary of State, State Auditor, State Treasurer, Attorney-General, or Superintendent of Public Schools, unless he be a male citizen of the United States and at least twenty-five years old, and shall have resided in this State at least five years next before his election.

SEC. 20. The Secretary of State shall be the custodian of the seal of the State, and authenticate therewith all official acts of the Governor, his approval of laws excepted. The said seal shall be called the "Great Seal of the State of Missouri," and the emblems and devices thereof, heretofore prescribed by law, shall not be subject to change.

SEC. 21. The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of the same, together with copies of all papers relative thereto, before either house of the General Assembly whenever required to do so.

SEC. 22. An account shall be kept by the officers of the executive department of all moneys and choses in action disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may at any time require information, in writing, under oath, from the officers of the executive department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions; which information, when so required, shall be furnished by such officers and managers, and any officer or manager who at any time shall make a false report, shall be guilty of perjury and punished accordingly.

SEC. 23. The Governor shall commission all officers not otherwise provided for by law. All commissions shall run in the name and by the authority of the State of Missouri, be signed by the Governor, sealed with the Great Seal of the State of Missouri, and attested by the Secretary of State.

SEC. 24. The officers named in this article shall receive for their services a salary to be established by law, which shall not be increased or diminished during their official terms; and they shall not, after the expiration of the terms of those in office at the adoption of this Constitution, receive to their own use any fees, costs, perquisites of office, or other compensation. All fees that may hereafter be payable by law for any service performed by any officer provided for in this article shall be paid in advance into the State treasury.

SEC. 25. Contested elections of Governor and Lieutenant-Governor shall be decided by a joint vote of both houses of the General Assembly, in such manner as may be provided by law; and contested elections of Secretary of State, State Auditor, State Treasurer, Attorney-General and Superintendent of Public Schools shall be decided before such tribunal and in such manner as may be provided by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State, as to matters of law and equity, except as in this Constitution otherwise provided, shall be vested in a Supreme Court, the St. Louis Court of Appeals, circuit courts, criminal courts, probate courts, county courts and municipal corporation courts.

SEC. 2. The Supreme Court, except in cases otherwise directed by this Constitution, shall have appellate jurisdiction only, which shall be coextensive with the State, under the restrictions and limitations in this Constitution provided.

SEC. 3. The Supreme Court shall have a general superintending control over all inferior courts. It shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari and other original remedial writs, and to hear and determine the same.

SEC. 4. The judges of the Supreme Court shall hold office for the term of ten years. The judge oldest in commission shall be Chief Justice of the

Court; and, if there be more than one commission of the same date, the court may select the Chief Justice from the judges holding the same.[6]

SEC. 5. The Supreme Court shall consist of five judges, any three of whom shall constitute a quorum; and said judges shall be conservators of the peace throughout the State, and shall be elected by the qualified voters thereof.[6]

SEC. 6. The judges of the Supreme Court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this State for five years next preceding their election or appointment, and shall be learned in the law.

SEC. 7. The full terms of the judges of the Supreme Court shall commence on the first day of January next ensuing their election, and those elected to fill any vacancy shall also enter upon the discharge of their duties on the first day of January next ensuing such election. Those appointed shall enter upon the discharge of their duties as soon as qualified.

SEC. 8. The present judges of the Supreme Court shall remain in office until the expiration of their respective terms of office. To fill their places as their terms expire, one judge shall be elected at the general election in eighteen hundred and seventy-six, and one every two years thereafter.

SEC. 9. The Supreme Court shall be held at the seat of Government at such times as may be prescribed by law; and until otherwise directed by law, the terms of said court shall commence on the third Tuesday in October and April of each year.[7]

SEC. 10. The State shall provide a suitable court room at the seat of Government, in which the Supreme Court shall hold its sessions; also a clerk's office, furnished offices for the judges, and the use of the State library.

SEC. 11. If, in any cause pending in the Supreme Court, or the St. Louis Court of Appeals, the judges sitting shall be equally divided in opinion, no judgment shall be entered therein based on such division; but the parties to the cause may agree upon some person, learned in the law, to act as special judge in the cause, who shall therein sit with the court, and give decision in the same manner and with the same effect as one of the judges. If the parties cannot agree upon a special judge, the court shall appoint one.[8]

SEC. 12. There is hereby established in the city of St. Louis an appellate court, to be known as the "St. Louis Court of Appeals," the jurisdiction of which shall be coextensive with the city of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren. Said court shall have power to issue writs of habeas corpus, quo warranto, mandamus, certiorari, and other original remedial writs, and to hear and determine the same; and shall have a superintending control over all inferior courts of record in said counties. Appeals shall lie from the decisions of the St. Louis Court of Appeals to the Supreme Court, and writs of error may issue from the Supreme Court to said court in the following cases only: In all cases where the amount in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars; in cases involving the construction of the Constitution of the United States or of this State; in cases where the validity of a treaty or statute of or authority exercised under the United States is drawn in question; in cases involving the construction of the revenue laws of this State, or the title to any office under this State; in cases involving title to real estate; in cases where a county or other political subdivision of the State or any State officer is a party, and in all cases of felony.[9]

[6] See amendment of 1890 at the end of this Article, by the provisions of which the court elects its chief justice and each division a presiding judge; the number of judges was likewise increased to seven and two divisions created.

[7] Sec. 3901 R. S. 1909, changes the terms of the supreme court to the second Tuesday in April and October.

[8] See Sec. 4, amendment of 1890, at the end of this article for the provision relative to the transfer of cases from a division of the supreme court to the court en banc.

[9] The amendment of 1884 (see end of this article) created the Kansas City court of appeals, extended the jurisdiction of the St. Louis court of appeals, abolished appeals from the court of appeals to the supreme court, provided for direct appeals to the supreme court in all cases within its appellate jurisdiction, and authorized the general assembly to increase or decrease the pecuniary jurisdiction of the court of appeals. In 1901, the amount was increased to $4,500 and in 1909 to $7,500. (Sec. 3937, R. S.)

SEC. 13. The St. Louis Court of Appeals shall consist of three judges, to be elected by the qualified voters of the city of St. Louis, and the counties of St. Louis, St. Charles, Lincoln and Warren, who shall hold their offices for the period of twelve years. They shall be residents of the district composed of said counties, shall possess the same qualifications as judges of the Supreme Court, and each shall receive the same compensation as is now or may be provided by law for the judges of the circuit court of St. Louis county, and be paid from the same sources: Provided, That each of said counties shall pay its proportional part of the same, according to its taxable property.

SEC. 14. The judges of said court shall be conservators of the peace throughout said counties. Any two of said judges shall constitute a quorum. There shall be two terms of said court to be held each year, on the first Monday of March and October, and the first term of said court shall be held on the first Monday in January, 1876.

SEC. 15. The opinions of said court shall be in writing, and shall be filed in the cases in which they shall be respectively made, and become parts of their record; and all laws relating to the practice in the Supreme Court shall apply to this court, so far as the same may be applicable.

SEC. 16. At the first general election held in said city and counties after the adoption of this Constitution, three judges of said court shall be elected, who shall determine by lot the duration of their several terms of office, which shall be respectively four, eight and twelve years, and certify the result to the Secretary of State; and every four years thereafter one judge of said court shall be elected to hold office for the term of twelve years. The term of office of such judges shall begin on the first Monday in January next ensuing their election. The judge having the oldest license to practice law in this State shall be the presiding judge of said court.

SEC. 17. Upon the adoption of this Constitution the Governor shall appoint three judges for said court, who shall hold their offices until the first Monday of January, eighteen hundred and seventy-seven, and until their successors shall be duly qualified.

SEC. 18. The clerk of the Supreme Court at St. Louis shall be the clerk of the St. Louis Court of Appeals until the expiration of the term for which he was appointed clerk of the Supreme Court, and until his successor shall be duly qualified.

SEC. 19. All cases which may be pending in the Supreme Court at St. Louis at the time of the adoption of this Constitution, which by its terms would come within the final appellate jurisdiction of the St. Louis Court of Appeals, shall be certified and transferred to the St. Louis Court of Appeals, to be heard and determined by said court.

SEC. 20. All cases coming to said court by appeal, or writ of error, shall be triable at the expiration of fifteen days from the filing of the transcript in the office of the clerk of said court.

SEC. 21. Upon the adoption of this Constitution, and after the close of the next regular terms of the Supreme Court at St. Louis and St. Joseph, as now established by law, the office of the clerk of the Supreme Court at St. Louis and St. Joseph shall be vacated, and said clerks shall transmit to the clerk of the Supreme Court at Jefferson City all the books, records, documents, transcript and papers belonging to their respective offices, except those required by section nineteen of this article to be turned over to the St. Louis Court of Appeals; and said records, documents, transcripts and papers shall become part of the records, documents, transcripts and papers of said Supreme Court at Jefferson City, and said court shall hear and determine all the cases thus transferred as other cases.

SEC. 22. The circuit court shall have jurisdiction over all criminal cases not otherwise provided for by law; exclusive original jurisdiction in all civil cases not otherwise provided for; and such concurrent jurisdiction with and appellate jurisdiction from inferior tribunals and justices of the peace as is or may be provided by law. It shall hold its terms at such times and places

n each county as may be by law directed; but at least two terms shall be eld every year in each county.

Sec. 23. The circuit court shall exercise a superintending control over riminal courts, probate courts, county courts, municipal corporation courts, ustices of the peace, and all inferior tribunals in each county in their respective circuits.

Sec. 24. The State, except as otherwise provided in this Constitution, hall be divided into convenient circuits of contiguous counties, in each of which circuits one circuit judge shall be elected; and such circuits may be hanged, enlarged, diminished or abolished, from time to time, as public convenience may require; and whenever a circuit shall be abolished, the office f the judge of such circuit shall cease.

Sec. 25. The judges of the circuit court shall be elected by the qualified oters of each circuit; shall hold their offices for the term of six years, and hall reside in and be conservators of the peace within their respective circuits.

Sec. 26. No person shall be eligible to the office of judge of the circuit ourt who shall not have attained the age of thirty years, been a citizen of he United States five years, a qualified voter of this State for three years, nd who shall not be a resident of the circuit in which he may be elected r appointed.

Sec. 27. The circuit court of St. Louis county shall be composed of five udges and such additional number as the General Assembly may from time o time provide. Each of said judges shall sit separately for the trial of auses and the transaction of business in special term. The judges of said ircuit court may sit in general term, for the purpose of making rules of ourt, and for the transaction of such other business as may be provided by aw, at such time as they may determine, but shall have no power to review ny order, decision or proceeding of the court in special term. The St. Louis ourt of Appeals shall have exclusive jurisdiction of all appeals from and rits of error to the circuit courts of St. Charles, Lincoln and Warren counties, nd the circuit court of St. Louis county, in special term, and all courts of ecord having criminal jurisdiction in said counties.[10]

Sec. 28. In any circuit composed of a single county, the General Assembly may, from time to time, provide for one or more additional judges, as he business shall require; each of whom shall separately try cases and perform all other duties imposed upon circuit judges.

Sec. 29. If there be a vacancy in the office of judge of any circuit, or the judge be sick, absent, or from any cause unable to hold any term or art of term of court, in any county in his circuit, such term or part of term f court may be held by a judge of any other circuit; and at the request of he judge of any circuit, any term of court or part of term in his circuit may e held by the judge of any other circuit, and in all such cases, or in any ase where the judge cannot preside, the General Assembly shall make such dditional provision for holding court as may be found necessary.

Sec. 30. The election of judges of all courts of record shall be held as s or may be provided by law, and in case of a tie or contested election beween the candidates, the same shall be determined as prescribed by law.

Sec. 31. The General Assembly shall have no power to establish criminal ourts, except in counties having a population exceeding fifty thousand.

Sec. 32. In case the office of judge of any court of record become vacant y death, resignation, removal, failure to qualify, or otherwise, such vacancy hall be filled in the manner provided by law.

Sec. 33. The judges of the Supreme, Appellate and Circuit courts, and f all other courts of record receiving a salary, shall, at stated times, receive uch compensation for their services as is or may be prescribed by law; but shall not be increased or diminished during the period for which they were lected.

[10] By the amendment of 1884 the jurisdiction of the St. Louis court of appeals as extended.

SEC. 34. The General Assembly shall establish in every county a probat court, which shall be a court of record, and consist of one judge, who shal be elected. Said court shall have jurisdiction over all matters pertaining t probate business, to granting letters testamentary and of administration, th appointment of guardians and curators of minors and persons of unsoun mind, settling the accounts of executors, administrators, curators and guar dians and the sale or leasing of lands by administrators, curators and guar dians; and also jurisdiction over all matters relating to apprentices; Pro vided, That until the General Assembly shall provide by law for a uniform system of probate courts, the jurisdiction of probate courts heretofore estab lished shall remain as now provided by law.

SEC. 35. Probate courts shall be uniform in their organization, jurisdic tion, duties and practice, except that a separate clerk may be provided fo or the judge may be required to act, ex officio, as his own clerk.

SEC. 36. In each county there shall be a county court, which shall be court of record, and shall have jurisdiction to transact all county and suc other business as may be prescribed by law. The court shall consist of on or more judges, not exceeding three, of whom the probate judge may be on as may be provided by law.

SEC. 37. In each county there shall be appointed, or elected, as man justices of the peace as the public good may require, whose powers, dutie and duration in office shall be regulated by law.

SEC. 38. All writs and process shall run and all prosecutions shall be co ducted in the name of the "State of Missouri;" all writs shall be attested by the clerk of the court from which they shall be issued; and all indict ments shall conclude, "against the peace and dignity of the State."

SEC. 39. The St. Louis Court of Appeals and Supreme Court shall ap point their own clerks. The clerks of all other courts of record shall b elective, for such terms and in such manner as may be directed by law: Pr vided, That the term of office of no existing clerk of any court of record, no abolished by this Constitution, shall be affected by such law.

SEC. 40. In case there be a tie or a contested election between candi dates for clerk of any court of record, the same shall be determined in suc manner as may be directed by law.

SEC. 41. In case of the inability of any judge of a court of record t discharge the duties of his office with efficiency, by reason of continued sick ness, or physical or mental infirmity, it shall be in the power of the Genera Assembly, two-thirds of the members of each house concurring, with the a proval of the Governor, to remove such judge from office; but each house sha state on its respective journal the cause for which it shall wish his remova and give him notice thereof, and he shall have the right to be heard in h defense, in such manner as the General Assembly shall by law direct.

SEC. 42. All courts now existing in this State, not named or provided fo in this Constitution, shall continue until the expiration of the terms of offi of the several judges; and as such terms expire, the business of said cour shall vest in the court having jurisdiction thereof in the counties where sa courts now exist, and all the records and papers shall be transferred to th proper courts.

SEC. 43. The Supreme Court of the State shall designate what opinio delivered by the Court, or the judges thereof, may be printed at the expen of the State; and the General Assembly shall make no provision for payme by the State for the publication of any case decided by said court not designated.

SEC. 44. All judicial decisions in this State shall be free for publicati by any person.

[AMENDMENT OF 1884.][11]

COURTS OF APPEALS.

SECTION 1. The jurisdiction of the St. Louis Court of Appeals is hereby extended so as to be coextensive with the counties of Monroe, Shelby, Knox, Scotland, Clark, Lewis, Marion, Ralls, Pike, Lincoln, Warren, St. Charles, St. Louis, Jefferson, Ste. Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, Pemiscot, Dunklin, Stoddard, Wayne, Bollinger, Madison, St. Francois, Washington, Franklin, Crawford, Iron, Reynolds, Carter, Butler, Ripley, Oregon, Shannon, Dent, Phelps, Pulaski, Texas, Howell, Ozark, Douglas, Wright, Laclede, Webster, Christian, Taney, Stone, Greene, Lawrence, Barry, Newton, and McDonald, as well as the city of St. Louis; and each judge thereof, when hereafter elected, shall be elected by the qualified voters of the counties and of the city under the jurisdiction of said court, and shall be a resident of the said territorial appellate district.[12]

SEC. 2. There is hereby established at Kansas City and appellate court, to be known as the Kansas City Court of Appeals, the jurisdiction of which shall be coextensive with all the counties in the State except those embraced in the jurisdiction of the St. Louis Court of Appeals. There shall be held in each year two terms of said Kansas City Court of Appeals, one on the first Monday of March and one on the first Monday of October. The Kansas City Court of Appeals shall consist of three judges, who shall be elected by the qualified voters of the counties under the jurisdiction of said court, and shall be residents of said territorial appellate district.[12]

SEC. 3. The General Assembly shall have power by law to create one additional court of appeals, with a new district therefor; to change the limits of the appellate districts, and the names of the courts of appeals, designating the districts by numbers or otherwise; to change the time of holding the terms of said courts; to increase or diminish the pecuniary limit of the jurisdiction of the courts of appeals; to provide for the transfer of cases from one court of appeals to another court of appeals; to provide for the transfor of cases from a court of appeals to the Supreme Court, and to provide for the hearing and determination of such cases by the courts to which they may be transferred.

SEC. 4. The first term of said Kansas City Court of Appeals shall be held on the first Monday of March in the year 1885, and the first judges thereof shall, upon the adoption of this amendment, be appointed by the Governor of said State for the term of four years each, beginning on the first day of January, 1885, and at the general election in the year 1888, the first election for the judges of said court shall be held, and the provisions of the Constitution of the State concerning the organization, the judges, the powers, the jurisdiction and proceedings of the St. Louis Court of Appeals, as herein amended, shall in all appropriate respects apply to the Kansas City Court of Appeals, and to such additional court of appeals as may be by law created.

SEC. 5. In all causes or proceedings reviewable by the Supreme Court, writs of error shall run from the Supreme Court directly to the circuit courts and to courts having the jurisdiction pertaining to circuit courts, and in all such causes or proceedings, appeals shall lie from such trial courts directly to the Supreme Court, and the Supreme Court shall have exclusive jurisdiction of such writs of error and appeals, and shall in all such cases exclusively exercise superintending control over such trial courts.

SEC. 6. When any one of said courts of appeals shall in any cause or proceeding render a decision which any one of the judges therein sitting shall deem contrary to any previous decision of any one of said courts of appeals,

[11] The Amendment of 1884, extending the jurisdiction of the St. Louis court of appeals and establishing the Kansas City court of appeals, was proposed by the general assembly of 1883 and ratified at the election of November 4, 1884.

[12] Sections 1 and 2 have been modified by Sec. 3926, R. S., 1909, which created the Springfield court of appeals and defined its jurisdiction, and by Sec. 3928, R. S., 1909, which changed the limits of the districts of the other courts of appeals.

or of the Supreme Court, the said Court of Appeals must, of its own motion, pending the same term and not afterward, certify and transfer said cause or proceeding and the original transcript therein to the Supreme Court, and thereupon the Supreme Court must rehear and determine said cause or proceeding, as in case of jurisdiction obtained by ordinary appellate process; and the last previous rulings of the Supreme Court on any question of law or equity shall, in all cases, be controlling authority in said courts of appeals.

SEC. 7. All cases which may be pending in the Supreme Court at the time of the adoption of this amendment, which have not been submitted, and which by its terms would come within the territorial appellate jurisdiction of the Kansas City Court of Appeals, shall be certified and transferred to such court, to be heard and determined by it.

SEC. 8. The Supreme Court shall have superintending control over the courts of appeals by mandamus, prohibition and certiorari.

SEC. 9. The State shall provide a suitable court-room at Kansas City, in which the Kansas City Court of Appeals shall hold its sessions; also a clerk's office and furnished offices for the judges.

SEC. 10. The judges of the Kansas City Court of Appeals, and of such additional court of appeals as may be created by law, shall each annually receive a salary of three thousand five hundred dollars per annum, which, together with the entire salaries of the judges of the St. Louis Court of Appeals, shall be paid out of the State treasury, as the salaries of the judges of the Supreme Court are now paid, unless otherwise provided by law.

SEC. 11. All provisions of the Constitution of this State, and all laws of this State which are inconsistent with this amendment, shall, so far as inconsistent, upon its adoption, be forever rescinded and of no effect.

[AMENDMENT OF 1890.][13]

SUPREME COURT.

SECTION 1. The Supreme Court shall consist of seven judges, and, after the first Monday in January, 1891, shall be divided into two divisions, as follows: One division to consist of four judges of the court and to be known as division number one, the other to consist of the remaining judges and to be known as division number two. The divisions shall sit separately for the hearing and disposition of causes and matters pertaining thereto, and shall have concurrent jurisdiction of all matters and causes in the Supreme Court, except that division number two shall have exclusive cognizance of all criminal cases pending in said court: Provided, That a cause therein may be transferred to the court as provided in section four of this amendment. The division of business of which said divisions have concurrent jurisdiction shall be made as the Supreme Court may determine. A majority of the judges of a division shall constitute a quorum thereof, and all orders, judgments and decrees of either division, as to causes and matters pending before it, shall have the force and effect of those of the court.

SEC. 2. Upon the adoption of this amendment, the Governor shall appoint two additional judges of the Supreme Court, who shall hold their offices until the first Monday in January, 1893, and at the general election in the year 1892 their successors shall be elected, who shall hold their offices for the term of ten years, as other judges of the Supreme Court. The two judges appointed by the Governor, together with the judge elected at the general election in the year 1890, shall constitute division number two, and the remaining judges shall constitute division number one. The court shall elect its chief justice and each division a presiding judge thereof.

SEC. 3. The Supreme Court shall assign to each division the causes and matters to be heard by it, of which assignment due public notice shall be given, and all laws relating to practice in the Supreme Court, as well as the

[13] The Amendment of 1890, increasing the number of judges of the supreme court from five to seven and creating two divisions of the court, was proposed by the general assembly of 1889 and ratified at the election of November 4, 1890.

rules of the Supreme Court, shall apply to each division so far as they may be applicable thereto. The opinion of each division shall be in writing, and shall be filed in the causes in which they shall be respectively made during the term at which the cause is submitted, and such opinions shall be a part of the records of the Supreme Court. Each division shall have authority to issue the original writs and exercise the powers enumerated in section three of article six of the Constitution.

SEC. 4. When the judges of a division are equally divided in opinion in a cause, or when a judge of a division dissents from the opinion therein, or when a federal question is involved, the cause, on the application of the losing party, shall be transferred to the court for its decision; or when a division in which a cause is pending shall so order, the cause shall be transferred to the court for its decision.

SEC. 5. Whenever in the opinion of the Supreme Court the state of its docket with reference to the speedy disposition of the business of the court will justify dispensing with the divisions hereinbefore provided, the court shall dispense therewith, and the court shall thereafter hear and determine all causes pending in it: Provided, however, That the court shall have the power to again divide itself into two divisions, in like manner and with like power and effect as hereinbefore provided, whenever in the opinion of six judges thereof, entered of record, the condition of its docket with reference to the speedy disposition of the business of the court shall so require; and in such division the four judges oldest in commission shall constitute division number one, and the remaining judges division number two.

SEC. 6. All provisions of the Constitution of the State, and all laws thereof not consistent with this amendment, shall, upon its adoption, be forever rescinded and of no effect.

ARTICLE VII.

IMPEACHMENTS.

SECTION 1. The Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintendent of Public Schools and Judges of the Supreme, Circuit and Criminal Courts, and of the St. Louis Court of Appeals, shall be liable to impeachment for high crimes or misdemeanors, and for misconduct, habits of drunkenness, or oppression in office.

SEC. 2. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the Senate, and, when sitting for that purpose, the Senators shall be sworn to do justice according to law and evidence. When the Governor of the State is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators present. But judgment in such cases shall not extend any further than removal from office, and disqualification to hold any office of honor, trust or profit under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

SECTION 1. The general election shall be held biennially on the Tuesday next following the first Monday in November. The first general election under this Constitution shall be held on that day, in the year one thousand eight hundred and seventy-six; but the General Assembly may, by law, fix a different day—two-thirds of all the members of each house consenting thereto.

SEC. 2. Every male citizen of the United States, and every male person of foreign birth who may have declared his intention to become a citizen of the United States according to law, not less than one year nor more than five years before he offers to vote, who is over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections by the people:

First, He shall have resided in the State one year immediately preceding the election at which he offers to vote.

Second, He shall have resided in the county, city or town where he shall offer to vote at least sixty days immediately preceding the election.

SEC. 3. All elections by the people shall be by ballot; every ballot voted shall be numbered in the order in which it shall be received, and the number recorded by the election officers on the list of voters, opposite the name of the voter who presents the ballot. The election officers shall be sworn or affirmed not to disclose how any voter shall have voted, unless required to do so as witnesses in a judicial proceeding: Provided, That in all cases of contested elections the ballots cast may be counted, compared with the list of voters, and examined under such safeguards and regulations as may be prescribed by law.

SEC. 4. Voters shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

SEC. 5. The General Assembly shall provide, by law, for the registration of all voters in cities and counties having a population of more than one hundred thousand inhabitants, and may provide for such registration in cities having a population exceeding twenty-five thousand inhabitants and not exceeding one hundred thousand, but not otherwise.

SEC. 6. All elections, by persons in a representative capacity, shall be viva voce.

SEC. 7. For the purpose of voting, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence while employed in the service, either civil or military, of this State, or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or of the high seas, nor while a student of any institution of learning, nor while kept in a poor-house or other asylum at public expense, nor while confined in public prison.

SEC. 8. No person, while kept at any poor-house or other asylum, at public expense, nor while confined in any public prison, shall be entitled to vote at any election under the laws of this State.

SEC. 9. The trial and determination of contested elections of all public officers, whether State, judicial, municipal or local, except Governor and Lieutenant-Governor, shall be by the courts of law, or by one or more of the judges thereof. The General Assembly shall, by general law, designate the court or judge by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law, assigning jurisdiction or regulating its exercises, shall apply to any contest arising out of any election held before said law shall take effect.

SEC. 10. The General Assembly may enact laws excluding from the right of voting all persons convicted of felony or other infamous crime, or misdemeanors connected with the exercise of the right of suffrage.

SEC. 11. No officer, soldier or marine in the regular army or navy of the United States shall be entitled to vote at any election in this State.

SEC. 12. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next preceding his election or appointment.

ARTICLE IX.

COUNTIES, CITIES AND TOWNS.

SECTION 1. The several counties of this State, as they now exist, are hereby recognized as legal subdivisions of the State.

SEC. 2. The General Assembly shall have no power to remove the county seat of any county, but the removal of county seats shall be provided for by general law; and no county seat shall be removed unless two-thirds of the qualified voters of the county, voting on the proposition at a general election vote therefor; and no such proposition shall be submitted oftener than once

in five years. All additions to a town which is a county seat shall be included, considered and regarded as part of the county seat.

SEC. 3. The General Assembly shall have no power to establish any new county with a territory of less than four hundred and ten square miles, nor to reduce any county now established to a less area or less population than required for a ratio of representation existing at the time; but when a new county is formed having a population less than a ratio of representation, it shall be attached for representative purposes to the county from which the greatest amount of territory is taken until such ratio shall be obtained. No county shall be divided or have any portion stricken therefrom without submitting the question to a vote of the people of the county, nor unless a majority of all the qualified voters of the county or counties thus affected, voting on the question, shall vote therefor; nor shall any new county be established, any line of which shall run within ten miles of the then existing county seat of any county. In all cases of the establishment of any new county, the new county shall be held for and obliged to pay its ratable proportion of all the liabilities then existing of the county or counties from which said new county shall be formed.

SEC. 4. No part of the territory of any county shall be stricken off and added to an adjoining county without submitting the question to the qualified voters of the counties immediately interested, nor unless a majority of all the qualified voters of the counties thus affected, voting on the question, shall vote therefor. When any part of a county is stricken off and attached to another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it is taken.

SEC. 5. When any new county, formed from contiguous territory taken from older counties, or when any county to which territory shall be added taken from an adjoining county shall fail to pay the proportion of indebtedness of such territory to the county or counties from which it is taken, then it may be lawful for any county from which such territory has been taken to levy and collect, by taxation, the due proportion of indebtedness of such territory, in the same manner as if the territory had not been stricken off.

SEC. 6. No county, township, city or other municipality shall hereafter become a subscriber to the capital stock of any railroad or other corporation or association, or make appropriation or donation, or loan its credit to or in aid of any such corporation or association, or to or in aid of any college or institution of learning or other institution, whether created for or to be controlled by the State or others. All authority heretofore conferred for any of the purposes aforesaid by the General Assembly, or by the charter of any corporation, is hereby repealed: Provided, however, That nothing in this Constitution contained shall affect the right of any such municipality to make such subscription, where the same has been authorized under existing laws by a vote of the people of such municipality prior to its adoption, or to prevent the issue of renewal bonds, or the use of such other means as are or may be prescribed by law for the liquidation or payment of such subscription, or of any existing indebtedness.

SEC. 7. The General Assembly shall provide, by general laws, for the organization and classification of cities and towns. The number of such classes shall not exceed four; and the power of each class shall be defined by general laws, so that all such municipal corporations of the same class shall possess the same powers and be subject to the same restrictions. The General Assembly shall also make provisions, by general law, whereby any city, town or village, existing by virtue of any special or local law, may elect to become subject to, and be governed by, the general laws relating to such corporations.

SEC. 8. The General Assembly may provide, by general law, for township organization, under which any county may organize whenever a majority of the legal voters of such county, voting upon that proposition, at any general election, shall so determine; and whenever any county shall adopt township organization, so much of this Constitution as provides for the management

of county affairs, and the assessment and collection of the revenue by county officers, in conflict with such general law for township organization, may be dispensed with, and the business of said county, and the local concerns of the several townships therein, may be transacted in such manner as may be prescribed by law: Provided, That the justices of the county court in such case shall not exceed three in number.[14]

SEC. 9. In any county which shall have adopted "township organization," the question of continuing the same may be submitted to a vote of the electors of such county at a general election, in the manner that shall be provided by law; and if a majority of all the votes cast upon that question shall be against township organization, it shall cease in said county; and all laws in force in relation to counties not having township organization shall immediately take effect and be in force in such county.

SEC. 10. There shall be elected by the qualified voters in each county on the first Tuesday next following the first Monday in November, A. D. 1908, and thereafter every four years, a sheriff and coroner. They shall serve for four years and until their successors be duly elected and qualified, unless sooner removed for malfeasance in office. Before entering on the duties of their office, they shall give security in the amount and in such manner as shall be prescribed by law, and shall be eligible only four years in any one period. Whenever a county shall be hereafter established, the governor shall appoint a sheriff and coroner therein, who shall continue in office until the next succeeding general election and until their successors shall be duly elected and qualified.[15]

SEC. 11. Whenever a vacancy shall happen in the office of sheriff or coroner, the same shall be filled by the county court. If such vacancy happen in the office of sheriff more than nine months prior to the time of holding a general election, such county court shall immediately order a special election to fill the same, and the person by it appointed shall hold office until the person chosen at such election shall be duly qualified; otherwise, the person appointed by such county court shall hold office until the person chosen at such general election shall be duly qualified. If any vacancy happen in the office of coroner, the same shall be filled for the remainder of the term by such county court. No person elected or appointed to fill a vacancy in either of said offices shall thereby be rendered ineligible for the next succeeding term.

SEC. 12. The General Assembly shall, by a law uniform in its operation, provide for and regulate the fees of all county officers, and for this purpose may classify the counties by population.

SEC. 13. The fees of no executive or ministerial officer of any county or municipality, exclusive of the salaries actually paid to his necessary deputies, shall exceed the sum of ten thousand dollars for any one year. Every such officer shall make return, quarterly, to the county court of all fees by him received, and of the salaries by him actually paid to his deputies or assistants, stating the same in detail, and verifying the same by his affidavit; and for any statement or omission in such return, contrary to truth, such officer shall be liable to the penalties of willful and corrupt perjury.

SEC. 14. Except as otherwise directed by this Constitution, the General Assembly shall provide for the election or appointment of such other county, township and municipal officers as public convenience may require; and their terms of office and duties shall be prescribed by law; but no term of office shall exceed four years.

SEC. 15. In all counties having a city therein containing over one hundred thousand inhabitants, the city and county government thereof may be consolidated in such manner as may be provided by law.

SEC. 16. Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board

[14] Amendment proposed by the general assembly of 1901 and ratified at the election of November 4, 1902. The amendment inserted the words, "upon that proposition."

[15] Amendment proposed by the general assembly of 1905 and ratified at the election of November 6, 1906. Increased tenure of office to four years.

of thirteen freeholders, who shall have been for at least five years qualified voters thereof, to be elected by the qualified voters of such city at any general or special election; which board shall, within ninety days after such election, return to the chief magistrate of such city a draft of such charter, signed by the members of such board or a majority of them. Within thirty days thereafter, such proposed charter shall be submitted to the qualified voters of such city, at a general or special election, and if four-sevenths of such qualified voters voting thereat shall ratify the same, it shall, at the end of thirty days thereafter, become the charter of such city, and supersede any existing charter and amendments thereof. A duplicate certificate shall be made, setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of such city and authenticated by its corporate seal. One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds for the county in which such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. Such charter, so adopted, may be amended by a proposal therefor, made by the lawmaking authorities of such city, published for at least thirty days in three newspapers of largest circulation in such city, one of which shall be a newspaper printed in the German language, and accepted by three-fifths of the qualified voters of such city, voting at a general or special election, and not otherwise; but such charter shall always be in harmony with and subject to the Constitution and laws of the State.

SEC. 17. It shall be a feature of all such charters that they shall provide, among other things, for a mayor or chief magistrate, and two houses of legislation, one of which at least shall be elected by general ticket; and in submitting any such charter or amendment thereto to the qualified voters of such city, any alternative section or article may be presented for the choice of the voters, and may be voted on separately, and accepted or rejected separately, without prejudice to other articles or sections of the charter or any amendment thereto.

SEC. 18. In cities or counties having more than two hundred thousand inhabitants, no person shall, at the same time, be a State officer and an officer of any county, city or other municipality; and no person shall, at the same time, fill two municipal offices, either in the same or different municipalities; but this section shall not apply to notaries public, justices of the peace or officers of the militia.

SEC. 19. The corporate authorities of any county, city, or other municipal subdivision of this State, having more than two hundred thousand inhabitants, which has already exceeded the limit of indebtedness prescribed in section twelve of article X of this Constitution, may, in anticipation of the customary annual revenue thereof, appropriate, during any fiscal year, toward the general governmental expenses thereof, a sum not exceeding seven-eighths of the entire revenue applicable to general governmental purposes (exclusive of the payment of the bonded debt of such county, city or municipality) that was actually raised by taxation alone during the preceding fiscal year; but until such excess of indebtedness cease, no further bonded debt shall be incurred, except for the renewal of other bonds.

ST. LOUIS.

SEC. 20. The city of St. Louis may extend its limits so as to embrace the parks now without its boundaries, and other convenient and contiguous territory, and frame a charter for the government of the city thus enlarged, upon the following conditions, that is to say: The council of the city and county court of the county of St. Louis shall, at the request of the mayor of the city of St. Louis, meet in joint session and order an election, to be held as provided for general elections, by the qualified voters of the city and county, of a board of thirteen freeholders of such city or county, whose duty shall be to propose a scheme for the enlargement and definition of the boundaries of the city, the reorganization of the government of the county, the adjustment of the relations between the city thus enlarged and the residue

of St. Louis county, and the government of the city thus enlarged, by a charter in harmony with and subject to the Constitution and laws of Missouri, which shall, among other things, provide for a chief executive and two houses of legislation, one of which shall be elected by general ticket, which scheme and charter shall be signed in duplicate by said board or a majority of them, and one of them returned to the mayor of the city and the other to the presiding justice of the county court within ninety days after the election of such board. Within thirty days thereafter the city council and county court shall submit such scheme to the qualified voters of the whole county, and such charter to the qualified voters of the city so enlarged, at an election to be held not less than twenty nor more than thirty days after the order therefor; and if a majority of such qualified voters, voting at such election, shall ratify such scheme and charter, then such scheme shall become the organic law of the county and city, and such charter the organic law of the city, and at the end of sixty days thereafter shall take the place of and supersede the charter of St. Louis, and all amendments thereof, and all special laws relating to St. Louis county inconsistent with such scheme.

SEC. 21. A copy of such scheme and charter, with a certificate thereto appended, signed by the mayor and authenticated by the seal of the city, and also signed by the presiding justice of the county court and authenticated by the seal of the county, setting forth the submission of such scheme and charter to the qualified voters of such county and city, and its ratification by them, shall be made in duplicate, one of which shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of St. Louis county, shall be deposited among the archives of the city, and thereafter all courts shall take judicial notice thereof.

SEC. 22. The charter so ratified may be amended by proposals therefor submitted by the lawmaking authorities of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals and accepted by three-fifths of the qualified voters voting for or against each of said amendments so submitted; and the lawmaking authorities of such city may order an election by the qualified voters of the city of a board of thirteen freeholders of such city to prepare a new charter for such city, which said charter shall be in harmony with and subject to the Constitution and laws of the State, and shall provide, among other things, for a chief executive and at least one house of legislation to be elected by general ticket. Said revised charter shall be submitted to the qualified voters of such city at an election to be held not less than twenty nor more than thirty days after the order therefor, and if a majority of such qualified voters voting at such election ratify such charter, then said charter shall become the organic law of such city, and sixty days thereafter shall take effect and supersede the charter of such city and all special laws inconsistent therewith.[16]

SEC. 23. Such charter and amendments shall always be in harmony with and subject to the Constitution and laws of Missouri, except only that provision may be made for the graduation of the rate of taxation for city purposes in the portion of the city which are added thereto by the proposed enlargement of its boundaries. In the adjustment of the relations between city and county, the city shall take upon itself the entire park tax; and in consideration of the city becoming the proprietor of all the county buildings and property within its enlarged limits, it shall assume the whole of the existing county debt, and thereafter the city and county of St. Louis shall be independent of each other. The city shall be exempted from all county taxation. The judges of the county court shall be elected by the qualified voters outside of the city. The city, as enlarged shall be entitled to the same representation in the General Assembly, collect the State revenue and perform all other functions in relation to the State, in the same manner, as if it were a county as in this Constitution defined; and the residue of the county shall remain a legal

[16] Amendment proposed by the general assembly of 1901 and ratified at the election of November 4, 1902.

county of the State of Missouri, under the name of the county of St. Louis. Until the next apportionment for Senators and Representatives in the General Assembly, the city shall have six Senators and fifteen Representatives, and the county one Senator and two Representatives, the same being the number of Senators and Representatives to which the county of St. Louis, as now organized, is entitled under sections eight and eleven of article IV of this Constitution.

SEC. 24. The county and city of St. Louis, as now existing, shall continue to constitute the Eighth judicial circuit, and the jurisdiction of all courts of record, except the county court, shall continue until otherwise provided by law.

SEC. 25. Notwithstanding the provisions of this article, the General Assembly shall have the same power over the city and county of St. Louis that it has over other cities and counties of this State.

ARTICLE X.

REVENUE AND TAXATION.

SECTION 1. The taxing power may be exercised by the General Assembly for State purposes, and by counties and other municipal corporations, under authority granted to them by the General Assembly, for county and other corporate purposes.

SEC. 2. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the General Assembly.

SEC. 3. Taxes may be levied and collected for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax, and all taxes shall be levied and collected by general laws.

SEC. 4. All property subject to taxation shall be taxed in proportion to its value.

SEC. 5. All railroad corporations in this State, or doing business therein, shall be subject to taxation for State, county, school, municipal and other purposes, on the real and personal property owned or used by them, and on their gross earnings, their net earnings, their franchises and their capital stock.

SEC. 6. The property, real and personal, of the State, counties and other municipal corporations, and cemeteries, shall be exempt from taxation. Lots in incorporated cities or towns, or within one mile of the limits of any such city or town, to the extent of one acre, and lots one mile or more distant from such cities or towns, to the extent of five acres, with the buildings thereon, may be exempted from taxation, when the same are used exclusively for religious worship, for schools, or for purposes purely charitable; also, such property, real or personal, as may be used exclusively for agricultural or horticultural societies: Provided, That such exemptions shall be only by general law.

SEC. 7. All laws exempting property from taxation, other than the property above enumerated, shall be void.

SEC. 8. The State tax on property, exclusive of the tax necessary to pay the bonded debt of the State, shall not exceed twenty cents on the hundred dollars valuation; and whenever the taxable property of the State shall amount to nine hundred million dollars, the rate shall not exceed fifteen cents.

SEC. 9. No county, city, town or other municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

SEC. 10. The General Assembly shall not impose taxes upon counties, cities, towns or other municipal corporations or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but may, by

general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 11. Taxes for county, city, town and school purposes may be levied on all subjects and objects of taxation; but the valuation of property therefor shall not exceed the valuation of the same property in such town, city or school district for State and county purposes. For county purposes the annual rate on property, in counties having six million dollars or less, shall not, in the aggregate, exceed fifty cents on the hundred dollars valuation; in counties having six million dollars and under ten million dollars, said rate shall not exceed forty cents on the hundred dollars valuation; in counties having ten million dollars and under thirty million dollars, said rate shall not exceed fifty cents on the hundred dollars valuation; and in counties having thirty million dollars or more, said rate shall not exceed thirty-five cents on the hundred dollars valuation. For city and town purposes the annual rate on property in cities and towns having thirty thousand inhabitants or more shall not, in the aggregate, exceed one hundred cents on the one hundred dollars valuation; in cities and towns having less than thirty thousand and over ten thousand inhabitants, said rate shall not exceed sixty cents on the hundred dollars valuation; in cities and towns having less than ten thousand and more than one thousand inhabitants, said rate shall not exceed fifty cents on the hundred dollars valuation; and in towns having one thousand inhabitants, or less, said rate shall not exceed twenty-five cents on the hundred dollars valuation. For school purposes in districts composed of cities which have one hundred thousand inhabitants or more, the annual rate on property shall not exceed sixty cents on the hundred dollars valuation and in other districts forty cents on the hundred dollars valuation: Provided, The aforesaid annual rates for school purposes may be increased, in districts formed of cities and towns, to an amount not to exceed one dollar on the hundred dollars valuation, and in other districts to an amount not to exceed sixty-five cents on the hundred dollars valuation, on the condition that a majority of the voters who are tax-payers, voting at an election held to decide the question, vote for said increase. For the purpose of erecting public buildings in counties, cities or school districts, the rate of taxation herein limited may be increased when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and two-thirds of the qualified voters of such county, city or school district, voting at such election, shall vote therefor. The rate herein allowed to each county shall be ascertained by the amount of taxable property therein, according to the last assessment for State and county purposes, and the rate allowed to each city or town by the number of inhabitants, according to the last census taken under the authority of the State, or of the United States; said restrictions as to rates shall apply to taxes of every kind and description, whether general or special, except taxes to pay valid indebtedness now existing, or bonds which may be issued in renewal of such indebtedness: Provided, That the city of St. Louis may levy for municipal purposes, in addition to the municipal rate of taxation above provided, a rate not exceeding the rate which would be allowed for county purposes if said city were part of a county.[17]

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[17] Section 11 has been amended twice by amendments proposed by the general assembly of 1901 and ratified at the election of November 4, 1902. The first of the amendments of 1902 added the proviso at the end of the section. The second amendment struck out of the original section the words: "For school purposes in districts, the annual rate on property shall not exceed forty cents on the hundred dollars valuation, and inserted in lieu thereof the following: "For school purposes in districts composed of cities, which have one hundred thousand inhabitants or more the annual rate on property shall not exceed sixty cents on the hundred dollars valuation; and in other districts, forty cents on the hundred dollars valuation." In setting out the first of the foregoing amendments, the following part of the original section was inadvertently omitted: "fifty cents on the hundred dollars valuation; in counties having six million dollars and under ten million dollars, said rate shall not exceed." Under the ruling in *Gabbert v. Ry.*, 171 Mo. 84, this omission was held as probably immaterial. The general assembly of 1899 proposed an amendment, designated as Section 1, "concerning revenue and taxation." This amendment was ratified at the election of November 6, 1900, but was declared invalid in *State ex rel. v. Ry.*, 195 Mo. 228, because the exemption of certain cities was in violation of the 14th Amendment of the Federal Con-

SEC 12. No county, city, town, township, school district or other political corporation or subdivision of the State shall be allowed to become indebted in any manner or for any purpose to an amount exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the voters thereof voting at an election to be held for that purpose; nor in cases requiring such assent shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the assessment next before the last assessment for State and county purposes, previous to the incurring of such indebtedness: Provided, That with such assent any county may be allowed to become indebted to a larger amount for the erection of a court house or jail, or for the grading, construction, paving, or maintaining of paved, gravelled, macadamized or rock roads and necessary bridges and culverts therein; and provided further, that any county, city, town, township, school district or other political corporation or subdivision of the State, incurring any indebtedness requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same: And provided further, that the corporate authorities of the city of St. Louis are hereby authorized to issue interest-bearing bonds of said city in the amount of five million dollars, at the rate of interest not to exceed four per cent. per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the corporation organized for the celebration of the Louisiana purchase centennial in said city, to be used by said corporation for said celebration, in holding a world's fair or exposition in said city. And said corporate authorities of St. Louis shall be repaid as large a proportionate amount of the aid given by them as shall be repaid to the stockholders of said corporation on the sum subscribed and paid by them, and any surplus remaining from the assets of said corporation after said stockholders and said city shall have been paid in full, shall be divided between said stockholders and said city in proportion to the aggregate amount of said stock so paid in and the amount so loaned by said city; and any amount so received by said city from said corporation shall be paid into the sinking fund of said city for the redemption of its outstanding bonds: Provided, That if, at the election for the adoption of this amendment to the Constitution, a majority of the votes cast within the limits of said city of St. Louis voting for and against this amendment shall be against its adoption, then no bonds shall be issued under this amendment; and provided further, that no such indebtedness so created shall be in any part thereof paid by the State or from any State revenue, tax or fund, but the same shall be paid by the city of St. Louis alone. Provided, That in the city of St. Louis the amount of bonds now aggregating $6,111,000, that being the amount assumed by said city in the scheme of separation from the county of St. Louis, and the sum of $5,808,000 heretofore prior to January 1, 1901, expended in the construction of waterworks for the city of St. Louis, and any bonds which may be hereafter issued by said city in the construction and improvement of waterworks, the payment of the interest whereon and the principal whereof shall be provided from the revenues of said waterworks; that is to say, the amount of said bonds which shall be outstanding at any time shall not be included in the computation of the existing bonded indebt-

stitution. The text of this proposed amendment is as follows: Section 1. In addition o taxes authorized to be levied for county purposes under and by virtue of section leven article X of the constitution of this state, the county court in the several ounties of this state not under township organization, and the township board of irectors in the several counties under township organization, may in their discretion. evy and collect a special tax not exceeding fifteen cents on each one hundred dollars aluation, to be used for road and bridge purposes, but for no other purpose whatever; and the power hereby given said county courts and township boards is declared o be a discretionary power. This constitutional amendment shall not apply to the ities of St. Louis, Kansas City and St. Joseph.

edness in determining the amount of bonds authorized to be issued by said city with the assent of two-thirds of the voters under the provisions of this article, but said city shall be authorized at any time to issue bonds, with the assent aforesaid, to an amount, including outstanding indebtedness, other than that above named, to the amount of five per cent. of the value of the taxable property in said city, to be ascertained as above provided, and said city shall have power, with such assent of the voters, to issue bonds for the construction and improvement of waterworks, the interest whereon and the principal whereof shall be provided for from the income of said waterworks. Said city shall establish a sinking fund for the payment of the bonds so authorized according to the times fixed from the maturity of the same: Provided, further, that in the city of Kansas City, the amount of bonds issued by said city, bearing date July 1, 1895, for acquiring waterworks and all bonds hereafter issued in renewal of said bonds, or any portion thereof, shall not be included in the computation of the existing bonded indebtedness of said city in determining the amount of bonds authorized to be issued by said city with the assent of two-thirds of the voters under the provisions of this article but said city shall be authorized at any time to issue bonds with the assent aforesaid, to an amount, including outstanding indebtedness, other than that above named, to the amount of five per centum of the value of the taxable property in said city, to be ascertained as above specified: Provided, further that the provisions of this section shall not apply to counties having cities that now have or which may hereafter have one hundred thousand or more inhabitants; nor to cities that now have or may hereafter have over three hundred thousand inhabitants.[18]

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SEC. 12a. Any city in this State containing not more than thirty thousand (30,000) nor less than two thousand (2,000) inhabitants may, with the assent of two-thirds of the voters thereof, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than specified in

[18] Section 12 has been amended three times; the first amendment was proposed by the general assembly of 1899 and was ratified at the election of November 6, 1900; the second amendment was proposed by the general assembly of 1901 and was ratified at the election of November 4, 1902; the third amendment was proposed by the general assembly of 1905 and was ratified at the election of November 6, 1906. The amendment of 1900 added the following: And provided further, that the corporate authorities of the city of St. Louis are hereby authorized to issue interest bearing bonds of said city in the amount of five million dollars, at a rate of interest not to exceed four per cent. per annum, the principal payable within thirty years from the date of their issue, and the proceeds thereof shall be paid to the corporation organized for the celebration of the Louisiana purchase centennial in said city, to be used by said corporation for said celebration, in holding a world's fair or exposition in said city. And said corporate authorities of St. Louis shall be repaid as large a proportionate amount of the aid given by them as shall be repaid to the stockholders of said corporation on the sum subscribed and paid by them, and any surplus remaining from the assets of said corporation after said stockholders and said city shall have been paid in full, shall be divided between said stockholders and said city in proportion to the aggregate amount of said stock so paid in and the amount so loaned by said city; and any amount so received by said city from said corporation shall be paid into the sinking fund of said city for the redemption of its outstanding bonds: Provided, that if at the election for the adoption of this amendment to the constitution a majority of the votes cast within the limits of said city of St. Louis voting for and against this amendment, shall be against its adoption, then no bonds shall be issued under this amendment; and provided further, that no such indebtedness so created shall be in any part thereof paid by the state or from any state revenue, tax or fund, but the same shall be paid by the city of St. Louis alone. The amendment of 1902 begins with the word "Provided," immediately succeeding the foregoing amendment and concludes with the word "specified" immediately preceding the last proviso. The amendment of 1906 added the words "or for the grading, construction, paving, or maintaining of paved, graveled, macadamized or rock roads and necessary bridges and culverts therein." The last proviso in the section was not incorporated in the resolution when introduced in the general assembly. It was added as an amendment to the section proper while the resolution was pending and appears in the resolution as set forth in the acts of 1905, p. 309. It was not made a part of the amendatory clause of the resolution which recited the amendments proposed. Under the provisions of Article 15 of the constitution, as construed in *Gabbert v. Ry.*, 171 Mo. 84, this proviso is probably invalid. The resolution submitting the amendment adopted in 1902 and 1906, in setting out the section as it would read with the respective amendments proposed incorporated therein, failed in each case to include with the section the amendments thereto which had been previously adopted. Under the ruling in *Gabbert v. Ry.*, 171 Mo. 84, these irregularities are probably immaterial.

section twelve of article ten (X) of the Constitution of this State, not exceeding an additional five (5) per centum on the value of the taxable property therein, for the purpose of purchasing or constructing waterworks, electric or other light plants, to be owned exclusively by the city so purchasing or constructing the same: Provided, That any such city incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this Constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same, any provision in this Constitution to the contrary notwithstanding.[19]

SEC. 13. Private property shall not be taken or sold for the payment of the corporate debt of a municipal corporation.

SEC. 14. The tax authorized by the sixth section of the ordinance adopted June sixth, one thousand eight hundred and sixty-five, is hereby abolished, and hereafter there shall be levied and collected an annual tax sufficient to pay the accruing interest upon the bonded debt of the State, and to reduce the principal thereof each year by a sum not less than two hundred and fifty thousand dollars; the proceeds of which tax shall be paid into the State treasury, and appropriated and paid out for the purposes expressed in the first and second subdivisions of section forty-three of Article IV of this Constitution. The funds and resources now in the State interest and State sinking funds shall be appropriated to the same purposes; and whenever said bonded debt is extinguished, or a sum sufficient therefor has been raised, the tax provided for in this section shall cease to be assessed.

SEC. 15. All moneys now, or at any time hereafter, in the State treasury, belonging to the State, shall, immediately on receipt thereof, be deposited by the Treasurer to the credit of the State for the benefit of the funds to which they respectively belong, in such bank or banks as he may, from time to time, with the approval of the Governor and Attorney-General, select, the said bank or banks giving security, satisfactory to the Governor and Attorney-General, for the safe keeping and payment of such deposit, when demanded by the State Treasurer on his check—such bank to pay a bonus for the use of such deposits not less than the bonus paid by other banks for similar deposits; and the same, together with such interest and profits as may accrue thereon, shall be disbursed by said Treasurer for the purposes of the State, according to law, upon warrants drawn by the State Auditor, and not otherwise.

SEC. 16. The treasurer shall keep a separate account of the funds, and the number and amount of warrants received, and from whom; and shall publish, in such manner as the Governor may designate, quarterly statements, showing the amount of State moneys and where the same are kept or deposited.

SEC. 17. The making of profit out of State, county, city, town or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 18. There shall be a State Board of Equalization, consisting of the Governor, State Auditor, State Treasurer, Secretary of State and Attorney-General. The duty of said board shall be to adjust and equalize the valuation of real and personal property among the several counties in the State, and it shall perform such other duties as are or may be prescribed by law.

SEC. 19. No moneys shall ever be paid out of the treasury of this State, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made, or a warrant shall have issued therefor, within two years after the passage of such appropriation act; and every such law, making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to

[19] Section 12a is a new section; it was proposed by the general assembly of 1901 and ratified at the election of November 4, 1902.

which it is to be applied; and it shall be sufficient to refer to any other law to fix such sum or object. A regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

SEC. 20. The moneys arising from any loan, debt or liability, contracted by the State, or any county, city, town or other municipal corporation, shall be applied to the purposes for which they were obtained, or to the repayment of such debt or liability, and not otherwise.

SEC. 21. No corporation, company or association, other than those formed for benevolent, religious, scientific or educational purposes, shall be created or organized under the laws of this State, unless the persons named as corporators shall, at or before the filing of the articles of association or incorporation, pay into the State treasury fifty dollars for the first fifty thousand dollars or less of capital stock, and a further sum of five dollars for every additional ten thousand dollars of its capital stock. And no such corporation, company or association shall increase its capital stock without first paying into the treasury five dollars for every ten thousand dollars of increase: Provided, That nothing contained in this section shall be construed to prohibit the General Assembly from levying a further tax on the franchises of such corporation.[20]

SEC. 22. In addition to taxes authorized to be levied for county purposes under and by virtue of section 11, article 10 of the Constitution of this State, the county court in the several counties of this State not under township organization, and the township board of directors in the several counties under township organization, may, in their discretion, levy and collect, in the same manner as State and county taxes are collected, a special tax not exceeding twenty-five cents on each $100 valuation, to be used for road and bridge purposes, but for no other purpose whatever; and the power hereby given said county courts and township boards is declared to be a discretionary power.[21]

SEC. 26. All certificates of indebtedness of the State to the "public school fund" and to the "seminary fund" are hereby confirmed as sacred obligations of the State to said funds, and they shall be renewed as they mature for

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[20] The general assembly of 1899 proposed two new sections, numbered 22 and 23 of Article X, relating to the taxation of property encumbered by mortgage or deed of trust. These two amendments were ratified at the election of November 6, 1900, but were held invalid in *Russell v. Croy*, 164 Mo. 69, as being in conflict with the Fourteenth Amendment of the Federal Constitution. The text of these two proposed sections is as follows: Section 22. A mortgage deed of trust, contract or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby, except as to railroad and other quasi public corporations, for which provision has already been made by law; in cases of debts so secured, the value of the property affected by such mortgage, deed of trust, contract or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, in the manner hereinafter to be provided by law, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city or other local subdivision in which the property affected thereby is situate. The taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment a full discharge thereof: Provided, that in all such cases the interest of the owner of the security, as well as that of the owner of the property affected by such mortgage, deed of trust, contract or obligation, shall be assessed on terms equally fair and just. If the note or other obligation secured, is entitled to a credit by payment made on the principal thereof, the assessable value of the owner of the security, upon the fact being made known to the assessor prior to the assessment, shall be diminished by the amount of such payment, and the assessable value of the owner of the land or other property, correspondingly increased, the intent hereof being to place those interested in any way in such land or other property, on the plane of absolute equality as to taxation.

Section 23. Every contract hereafter made by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or lien, shall as to any interest specified therein and as to such tax or assessment, be null and void. These two sections by an amendment proposed by the general assembly of 1901 and ratified at the election of November 4, 1902, were formally repealed. The text of this repealing amendment is as follows: Section 24. Sections twenty-two (22) and twenty three (23) of article (10) of the constitution of the state of Missouri concerning taxation, be and the same are hereby repealed.

[21] Section 22 is a new section; it was proposed by the general assembly of 1907 and was ratified at the election of November 3, 1908.

such period of time and at such rate of interest as may be provided for by law. The General Assembly shall have the power to provide by law for the issuing certificates to the public school fund and seminary fund as the money belonging to said funds accumulates in the State treasury: Provided, That after the outstanding bonded indebtedness has been extinguished, all money accumulating in the State treasury for above named purposes shall be invested in registered county, municipal or school district bonds of this State of not less than par value. Whenever the State bonded debt is extinguished or a sum sufficient therefor has been received, there shall be levied and collected, in lieu of the ten cents on the one hundred dollars valuation now provided for by the statutes, an annual tax not to exceed three cents on the one hundred dollars valuation, to pay the accruing interest on all the certificates of indebtedness, the proceeds of which tax shall be paid into the State treasury, and appropriated and paid out for the specific purposes herein mentioned.[22]

ARTICLE XI.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this State between the ages of six and twenty years.

SEC. 2. The income of all the funds provided by the State for the support of free public schools shall be paid annually to the several county treasurers, to be disbursed according to law; but no school district, in which a free public school has not been maintained at least three months during the year for which the distribution is made, shall be entitled to receive any portion of such funds.

SEC. 3. Separate free public schools shall be established for the education of children of African descent.

SEC. 4. The supervision of instruction in the public schools shall be vested in a "Board of Education," whose powers and duties shall be prescribed by law. The Superintendent of Public Schools shall be president of the board. The Governor, Secretary of State and Attorney-General shall be ex officio members, and, with the Superintendent, compose said Board of Education.

SEC. 5. The General Assembly shall, whenever the public school fund will permit and the actual necessity of the same may require, aid and maintain the State University, now established, with its present departments. The government of the State University shall be vested in a Board of Curators, to consist of nine members, to be appointed by the Governor, by and with the advice and consent of the Senate.

SEC. 6. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds, lands and other property now belonging to any State fund for purposes of education; also, the next proceeds of all sales of lands and other property and effects that may accrue to the State by escheat, from unclaimed dividends and distributive shares of the estates of deceased persons; also, any proceeds of the sales of the public lands which may have been or hereafter may be paid over to this State (if Congress will consent to such appropriation); also, all other grants, gifts or devises that have been, or hereafter may be, made to this State, and not otherwise appropriated by the State or the terms of the grant, gift or devise, shall be paid into the State treasury, and securely invested and sacredly preserved as a public school fund; the annual income of which fund, together with so much of the ordinary revenue

[22] Section 26 is a new section; it was proposed by the general assembly of 1901 and ratified at the election of November 4, 1902. There was never submitted a section numbered 25 as an amendment of this article.

of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining the free public schools and the State University in this article provided for, and for no other uses or purposes whatsoever.

SEC. 7. In case the public school fund now provided and set apart by law, for the support of free public schools, shall be insufficient to sustain a free school at least four months in every year in each school district in this State, the General Assembly may provide for such deficiency in accordance with section eleven of the article on revenue and taxation; but in no case shall there be set apart less than twenty-five per cent. of the State revenue, exclusive of the interest and sinking fund, to be applied annually to the support of the public schools.

SEC. 8. All moneys, stocks, bonds, lands and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and be securely invested and sacredly preserved in the several counties as a county public school fund; the income of which fund shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State.

SEC. 9. No part of the public school fund of the State shall ever be invested in the stock or bonds or other obligations of any other State, or of any county, city, town or corporation; and the proceeds of the sales of any lands or other property which now belong or may hereafter belong to said school fund shall be invested in the bonds of the State of Missouri, or of the United States.

SEC. 10. All county school funds shall be loaned only upon unencumbered real estate security of double the value of the loan, with personal security in addition thereto.

SEC. 11. Neither the General Assembly nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State, or any county, city, town or other municipal corporation, for any religious creed, church or sectarian purpose whatever.

ARTICLE XII.

CORPORATIONS.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place, and business been commenced in good faith, at the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No corporation, after the adoption of this Constitution, shall be created by special laws; nor shall any existing charter be extended, changed or amended by special laws, except those for charitable, penal or reformatory purposes, which are under the patronage and control of the State.

SEC. 3. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend such forfeited charter, or pass any other general or special laws for the benefit of such corporation.

SEC. 4. The exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking, by the General Assembly, of the property and franchises of incorporated companies already organized, or that may be hereafter organized, and subjecting them to the public use, the same as that of individuals. The right of trial by jury shall be held inviolate in all trials of claims for compensation, when in the exer-

cise of said right of eminent domain, any incorporated company shall be interested either for or against the exercise of said right.

SEC. 5. The exercise of the police power of the State shall never be abridged, or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

SEC. 6. In all elections for directors or managers of any incorporated company, each shareholder shall have the right to cast as many votes in the aggregate as shall equal the number of shares so held by him or her in said company, multiplied by the number of directors or managers to be elected at such election; and each shareholder may cast the whole number of votes, either in person or by proxy for one candidate, or distribute such votes among two or more candidates; and such directors or managers shall not be elected in any other manner.

SEC. 7. No corporation shall engage in business other than that expressly authorized in its charter or the law under which it may have been or hereafter may be organized, nor shall it hold any real estate for any period longer than six years, except such as may be necessary and proper for carrying on its legitimate business.

SEC. 8. No corporation shall issue stock or bonds, except for money paid, labor done or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for the purpose, first giving sixty days' public notice, as may be provided by law.

SEC. 9. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him or her.

SEC. 10. No corporation shall issue preferred stock without the consent of all the stockholders.

SEC. 11. The term "corporation," as used in this article, shall be construed to include all joint stock companies or associations having any powers or privileges not possessed by individuals or partnerships.

RAILROADS.

SEC. 12. It shall not be lawful in this State for any railway company to charge for freight or passengers a greater amount, for the transportation of the same, for a less distance than the amount charged for any greater distance; and suitable laws shall be passed by the General Assembly to enforce this provision; but excursion and commutation tickets may be issued at special rates.

SEC. 13. Any railroad corporation or association, organized for the purpose, shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 14. Railways heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways, and railroad companies common carriers. The General Assembly shall pass laws to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate penalties.

SEC. 15. Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business,

where transfers of stock shall be made, and where shall be kept, for public inspection, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them respectively, the amount of stock paid, and by whom, the transfer of said stock, with the date of transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and shall report annually, under oath, to the State Auditor, or some officer designated by law, all of their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The General Assembly shall pass laws enforcing, by suitable penalties, the provisions of this section.

SEC. 16. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals; and the General Assembly shall pass no law exempting any such property from execution and sale.

SEC. 17. No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line. The question whether railroads are parallel or competing lines shall, when demanded, be decided by a jury, as in other civil issues.

SEC. 18. If any railroad company organized under the laws of this State shall consolidate, by sale or otherwise, with any railroad company organized under the laws of any other State, or of the United States, the same shall not thereby become a foreign corporation; but the courts of this State shall retain jurisdiction in all matters which may arise, as if said consolidation had not taken place. In no case shall any consolidation take place, except upon public notice of at least sixty days to all stockholders, in such manner as may be provided by law.

SEC. 19. The General Assembly shall pass no law for the benefit of a railroad or other corporations, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the State a new liability in respect to transactions or considerations already past.

SEC. 20. No law shall be passed by the General Assembly granting the right to construct and operate a street railroad within any city, town, village, or any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad; and the franchises so granted shall not be transferred without similar assent first obtained.

SEC. 21. No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

SEC. 22. No president, director, officer, agent or employee of any railroad company shall be interested, directly or indirectly, in furnishing material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 23. No discrimination in charges or facilities in transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise; and no railroad company, or any lessee, manager or employee thereof, shall make any preference in furnishing cars or motive power.

SEC. 24. No railroad or other transportation company shall grant free

passes or tickets, or passes or tickets at a discount, to members of the General Assembly, or members of the Board of Equalization, or any State, or county, or municipal officers; and the acceptance of such pass or ticket, by a member of the General Assembly, or any such officer, shall be a forfeiture of his office.

BANKS.

SEC. 25. No State bank shall hereafter be created, nor shall the State own or be liable for any stock in any corporation, or joint stock company, or association for banking purposes, now created or hereafter to be created.

SEC. 26. No act of the General Assembly authorizing or creating corporations or associations with banking powers (except banks of deposit or discount), nor amendments thereto, shall go into effect, or in any manner be enforced, unless the same shall be submitted to a vote of the qualified voters of the State, at the general election next succeeding the passage of the same, and be approved by a majority of the votes cast at such election.

SEC. 27. It shall be a crime, the nature and punishment of which shall be prescribed by law, for any president, director, manager, cashier or other officer of any banking institution, to assent to the reception of deposits, or the creation of debts by such banking institution, after he shall have had knowledge of the fact that it is insolvent, or in failing circumstances; and any such officer, agent or manager shall be individually responsible for such deposits so received, and all such debts so created with his assent.

ARTICLE XIII.

MILITIA.

SECTION 1. All able-bodied male inhabitants of this State between the ages of eighteen and forty-five years, who are citizens of the United States, or have declared their intention to become such citizens, shall be liable to military duty in the militia of this State: Provided, That no person who is religiously scrupulous of bearing arms can be compelled to do so, but may be compelled to pay an equivalent for military service, in such manner as shall be prescribed by law.

SEC. 2. The General Assembly, in providing for the organization, equipment and discipline of the militia, shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 3. Each company and regiment shall elect its own company and regimental officers; but if any company or regiment shall neglect to elect such officers within the time prescribed by law, or by the order of the Governor, they may be appointed by the Governor.

SEC. 4. Volunteer companies, of infantry, cavalry and artillery may be formed in such manner and under such restrictions as may be provided by law.

SEC. 5. The volunteer and militia forces shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters, parades and elections, and in going to and returning from the same.

SEC. 6. The Governor shall appoint the Adjutant-General, Quartermaster-General and his other staff officers. He shall also, with the advice and consent of the Senate, appoint all Major Generals and Brigadier Generals.

SEC. 7. The General Assembly shall provide for the safe keeping of the public arms, military records, banners and relics of the State.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

SECTION 1. The General Assembly of this State shall never interfere with the primary disposal of the soil by the United States, nor with any regulation which Congress may find necessary for securing the title in such soil to bona fide purchasers. No tax shall be imposed on lands the property of the United States; nor shall lands belonging to persons residing out of the limits

of this State ever be taxed at a higher rate than the lands belonging to persons residing within the State.

SEC. 2. No person shall be prosecuted in any civil action or criminal proceeding for or on account of any act by him done, performed or executed between the first day of January, one thousand eight hundred and sixty-one, and the twentieth day of August, one thousand eight hundred and sixty-six, by virtue of military authority vested in him, or in pursuance of orders from any person vested with such authority by the government of the United States, or of this State, or of the late Confederate States, or any of them, to do such act. And if any action or proceedings shall have been or shall hereafter be instituted against any person for the doing of any such act, the defendant may plead this section in bar thereof.

SEC. 3. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept or knowingly carry a challenge therefor, or agree to go out of this State to fight a duel, shall hold any office in this State.

SEC. 4. No person holding an office of profit under the United States shall, during his continuance in such office, hold any office of profit under this State.

SEC. 5. In the absence of any contrary provision, all officers now or hereafter elected or appointed, subject to the right of resignation, shall hold office during their official terms, and until their successors shall be duly elected or appointed and qualified.

SEC. 6. All officers, both civil and military, under the authority of this State, shall, before entering on the duties of their respective offices, take and subscribe an oath, or affirmation, to support the Constitution of the United States and of this State, and to demean themselves faithfully in office.

SEC. 7. The General Assembly shall, in addition to other penalties, provide for the removal from office of county, city, town and township officers, on conviction of willful, corrupt or fraudulent violation or neglect of official duties.

SEC. 8. The compensation or fees of no State, county or municipal officer shall be increased during his term of office; nor shall the term of any office be extended for a longer period than that for which such officer was elected or appointed.

SEC. 9. The appointment of all officers not otherwise directed by this Constitution shall be made in such manner as may be prescribed by law.

SEC. 10. The General Assembly shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery, in this State; and all acts or parts of acts heretofore passed by the Legislature of this State, authorizing a lottery or lotteries, and all acts amendatory thereof or supplemental thereto, are hereby avoided.

SEC. 11. It shall be the duty of the grand jury in each county, at least once a year, to investigate the official acts of all officers having charge of public funds, and report the result of their investigations, in writing, to the court.

SEC. 12. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days next before the commencement and after the termination of each session; and for any speech or debate in either house they shall not be questioned in any other place.

ARTICLE XV.

MODE OF AMENDING THE CONSTITUTION.

SECTION 1. This Constitution may be amended and revised only in pursuance of the provisions of this article.

SEC. 2. The General Assembly may, at any time, propose such amendments to this Constitution as a majority of the members elected to each house shall deem expedient; and the vote thereon shall be taken by yeas and nays and entered in full on the journals. The proposed amendments shall be

published with the laws of that session, and also shall be published weekly in some newspaper, if such there be, within each county in the State, for four consecutive weeks next preceding the general election then next ensuing. The proposed amendments shall be submitted to a vote of the people, each amendment separately, at the next general election thereafter, in such manner as the General Assembly may provide. If a majority of the qualified voters of the State, voting for and against any one of said amendments, shall vote for such amendment, the same shall be deemed and taken to have been ratified by the people, and shall be valid and binding, to all intents and purposes, as a part of this Constitution.

SEC. 3. The General Assembly may at any time authorize, by law, a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State; and if at such election a majority of the votes on the question be in favor of a convention, the Governor shall issue writs to the sheriffs of the different counties, ordering the election of delegates to such a convention, on a day not less than three and within six months after that on which the said question shall have been voted on. At such election each Senatorial district shall elect two delegates for each Senator to which it may then be entitled in the General Assembly, and every such delegate shall have the qualifications of a State Senator. The election shall be conducted in conformity with the laws regulating the election of Senators. The delegates so elected shall meet at such time and place as may be provided by law, and organize themselves into a convention, and proceed to revise and amend the Constitution; and the Constitution, when so revised and amended, shall, on a day to be therein fixed, not less than sixty days or more than six months after that on which it shall have been adopted by the convention, be submitted to a vote of the people for and against it, at an election to be held for that purpose; and if a majority of all the votes given be in favor of such Constitution, it shall, at the end of thirty days after such election, become the Constitution of this State. The result of such election shall be made known by proclamation by the Governor. The General Assembly shall have no power, otherwise than in this section specified, to authorize a convention for revising and amending the Constitution.

SCHEDULE.

That no inconvenience may arise from the alteration and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force until altered or repealed by the General Assembly; and all rights, actions, prosecutions, claims and contracts of the State, counties, individuals or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in force until the first day of July, one thousand eight hundred and seventy-seven, unless sooner amended or repealed by the General Assembly.

SEC. 2. That all recognizances, obligation, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein; and all fines, taxes, penalties and forfeitures, due or owing to this State, or any such subdivision or municipality; and all writs, prosecutions, actions and causes of actions, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

SEC. 3. All county and probate courts, as now constituted and organized,

shall continue with their jurisdiction, until the General Assembly shall by law conform them in their organization to the requirements of this Constitution.

SEC. 4. All criminal courts organized and existing under the laws of this State, and not specially provided for in this Constitution, shall continue to exist until otherwise provided by law.

SEC. 5. All courts of common pleas existing and organized in cities and towns having a population exceeding three thousand five hundred inhabitants, and such as by the law of their creation are presided over by a judge of a circuit court, shall continue to exist and exercise their present jurisdiction until otherwise provided by law. All other courts of common pleas shall cease to exist at the expiration of the present terms of office of the several judges thereof.

SEC. 6. All persons now filling any office or appointment in this State shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless otherwise provided by law.

SEC. 7. Upon the adoption of this Constitution, all appeals to and writs of error from the Supreme Court shall be returnable to the Supreme Court at the City of Jefferson.

SEC. 8. Until the General Assembly shall make provision for the payment of the State and railroad indebtedness of this State, in pursuance of section fourteen of article X of this Constitution, there shall be levied and collected an annual tax of one-fifth of one per centum on all real estate and other property and effects subject to taxation, the proceeds of which shall be applied to the payment of the interest on the bonded debt of this State as it matures, and the surplus, if any, shall be paid into the sinking fund and thereafter applied to the payment of such indebtedness, and to no other purpose.

SEC. 9. This Constitution shall be submitted to the people of this State for adoption or rejection, at an election to be held for that purpose only, on Saturday, the thirtieth day of October, one thousand eight hundred and seventy-five. Every person entitled to vote under the Constitution and laws of this State shall be entitled to vote for the adoption or rejection of this Constitution. Said election shall be held and said qualified electors shall vote at the usual places of voting in the several counties of this State; and said election shall be conducted and returns thereof made according to the laws now in force regulating general elections.

SEC. 10. The clerks of the several county courts in this State shall, at least five days before said election, cause to be delivered to the judges of election in each election district or precinct in their respective counties, suitable blank poll-books, forms of return and five times the number of properly prepared printed ballots for said election that there are voters in said respective districts, the expense whereof shall be allowed and paid by the several county courts, as other county expenditures are allowed and paid.

SEC. 11. At said election the ballots shall be in the following form: New Constitution ticket (erase the clause you do not favor). New Constitution,— Yes. New Constitution, — No. Each of said tickets shall be counted as a vote for or against this Constitution, as the one clause or the other may be canceled with ink or pencil by the voter, and returns thereof shall be made accordingly. If both clauses of the ticket be erased, or if neither be erased, the ticket shall not be counted.

SEC. 12. The returns of the whole vote cast for the adoption and against the adoption of this Constitution shall be made by the several clerks, as now provided by law in case of the election of State officers, to the Secretary of State, within twenty days after the election; and the returns of said votes shall, within ten days thereafter, be examined and canvassed by the State Auditor, State Treasurer and Secretary of State, or any two of them, in the presence of the Governor, and proclamation shall be made by the Governor forthwith of the result of the canvass.

SEC. 13. If, upon such canvass, it shall appear that a majority of the

votes polled were in favor of the new Constitution, then this Constitution shall, on and after the thirtieth day of November, one thousand eight hundred and seventy-five, be the supreme law of the State of Missouri, and the present existing Constitution shall thereupon cease in all its provisions; but if it shall appear that a majority of the votes polled were against the new Constitution, then this Constitution shall be null and void, and the existing Constitution shall continue in force.

SEC. 14. The provisions of this schedule required to be executed prior to the adoption or rejection of this Constitution, shall take effect and be in force immediately.

SEC. 15. The General Assembly shall pass all such laws as may be necessary to carry this Constitution into full effect.

SEC. 16. The present Secretary of State, State Auditor, Attorney-General and Superintendent of Public Schools shall, during the remainder of their terms of office, unless otherwise directed by law, receive the same compensation and fees as is now provided by law; and the present State Treasurer shall, during the remainder of the term of his office, continue to be governed by existing law, in the custody and disposition of the State funds, unless otherwise directed by law.

SEC. 17. Section twelve of the Bill of Rights shall not be so construed as to prevent arrests and preliminary examination in any criminal case.

Done in Convention, at the Capitol, in the City of Jefferson, on the second day of August, in the year of our Lord one thousand eight hundred and seventy-five, and of the Independence of the United States the one hundredth.

CONSTITUTION OF MONTANA—1889.*

PREAMBLE.

We, the people of Montana, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a state government, do, in accordance with the provisions of the enabling act of congress, approved the twenty-second of February, A. D. 1889, ordain and establish this constitution.

ARTICLE I.

BOUNDARIES.

SECTION 1. The boundaries of the state of Montana shall be as follows, to-wit: Beginning at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude, thence due west on the forty-fifth degree of latitude to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington, thence due south along the thirty-fourth degree of longitude, to a point formed by its intersection with the crest of the Rocky mountains, thence following the crest of the Rocky mountains northward to its intersection with the Bitter Root mountains; thence northward along the crest of the Bitter Root mountains to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the British Possessions; thence eastward along the boundary line to the twenty-seventh degree of longitude west from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning.

ARTICLE II.

MILITARY RESERVATIONS.

SECTION 1. Authority is hereby granted to and acknowledged in the United States to exercise exclusive legislation as provided by the constitution of the United States, over the military reservations of Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the legislative assembly of the state of Montana and the legislative assembly is authorized and directed to enact any law necessary or proper to give effect to this article.

Provided, That there be and is hereby reserved to the state the right to serve all legal process of the state, both civil and criminal, upon persons and property found within any of said reservations in all cases where the United States has not exclusive jurisdiction.

ARTICLE III.

A DECLARATION OF RIGHTS OF THE PEOPLE OF THE STATE OF MONTANA.

SECTION 1. All political power is vested in and derived from the people; all government of right originates with the people; is founded upon their will only and is instituted solely for the good of the whole.

SEC. 2. The people of the state have the sole and exclusive right of governing themselves, as a free, sovereign and independent state, and to alter and abolish their constitution and form of government, whenever they may

* The constitution of Montana was drafted by a convention which assembled at Helena on July 4 and adjourned on August 17, 1889. The constitution was submitted to the people on October 1, 1889, and was ratified by a majority of the electors. The state was formally admitted to the Union on November 8, 1889.

deem it necessary to their safety and happiness, provided such change be not repugnant to the constitution of the United States.

SEC. 3. All persons are born equally free, and have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness in all lawful ways.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever hereafter be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion, but the liberty and conscience hereby secured shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous or polygamous marriage, or otherwise, or justify practices inconsistent with the good order, peace or safety of the state, or opposed to the civil authority thereof, or of the United States. No person shall be required to attend any place of worship or support any ministry, religious sect or denomination, against his consent; nor shall any preference be given by law to any religious denomination or mode of worship.

SEC. 5. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 6. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character; and that right and justice shall be administered without sale, denial or delay.

SEC. 7. The people shall be secure in their persons, papers, homes and effects, from unreasonable searches and seizures, and no warrant to search any place or seize any person or thing, shall issue without describing the place to be searched, or the person or thing to be seized, nor without probable cause, supported by oath or affirmation, reduced to writing.

SEC. 8. Criminal offenses of which justice courts and municipal and other courts, inferior to the district courts, have jurisdiction, shall, in all courts inferior to the district court, be prosecuted by complaint. All criminal actions in the district court except those on appeal, shall be prosecuted by information, after examination and commitment by a magistrate, or after leave granted by the court, or shall be prosecuted by indictment without such examination or commitment, or without such leave of the court. A grand jury shall consist of seven persons, of whom five must concur to find an indictment.

A grand jury shall only be drawn and summoned when the district judge shall in his discretion consider it necessary, and shall so order.

SEC. 9. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the legislative assembly; no conviction shall work corruption of blood or forfeiture of estate; the estates of persons who may destroy their own lives shall descend or vest as in cases of natural death.

SEC. 10. No law shall be passed impairing the freedom of speech; every person shall be free to speak, write or publish whatever he will on any subject, being responsible for all abuse of that liberty; and that in all suits and prosecutions for libel, the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the facts.

SEC. 11. No ex post facto law nor law impairing the obligation of contracts or making any irrevocable grant of special privileges, franchises or immunities shall be passed by the legislative assembly.

SEC. 12. No person shall be imprisoned for debt except in the manner prescribed by law, upon refusal to deliver up his estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

SEC. 13. The right of any person to keep or bear arms in defense of his own home, person and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to or paid into court for the owner.

SEC. 15. The use of all water now appropriated, or that may hereafter be appropriated for sale, rental, distribution or other beneficial use and the right of way over the lands of others, for all ditches, drains, flumes, canals and aqueducts, necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use. Private roads may be opened in the manner to be prescribed by law, but in every case the necessity of the road, and the amount of all damage to be sustained by the opening thereof, shall be first determined by a jury, and such amount together with the expenses of the proceeding shall be paid by the person to be benefited.

SEC. 16. In all criminal prosecutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of venue for any of the causes for which the defendant may obtain the same.

SEC. 17. No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may be necessary in order to take his deposition. If he can give security for his appearance at the time of trial he shall be discharged upon giving the same: if he cannot give security, his deposition shall be taken in the manner prescribed by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof. Any deposition authorized by this section may be received as evidence on the trial, if the witness shall be dead or absent from the state.

SEC. 18. No person shall be compelled to testify against himself, in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense.

SEC. 19. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 20. Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishment inflicted.

SEC. 21. The privilege of the writ of habeas corpus shall never be suspended, unless in case of rebellion, or invasion, the public safety require it.

SEC. 22. The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

SEC. 23. The right of trial by jury shall be secured to all, and remain inviolate, but in all civil cases and in all criminal cases not amounting to felony, upon default of appearance or by consent of the parties expressed in such manner as the law may prescribe, a trial by jury may be waived, or a trial had by any less number of jurors than the number provided by law. A jury in a justice's court both in civil cases and in cases of criminal misdemeanor shall consist of not more than six persons. In all civil actions and in all criminal cases not amounting to felony, two-thirds in number of the jury may render a verdict, and such verdict so rendered shall have the same force and effect as if all of such jury concurred therein.

SEC. 24. Laws for the punishment of crime shall be founded on the principles of reformation and prevention, but this shall not affect the power of the legislative assembly to provide for punishing offenses by death.

SEC. 25. Aliens and denizens shall have the same right as citizens to acquire, purchase, possess, enjoy, convey, transmit and inherit mines and mining property, and milling, reduction, concentrating and other works, and real property necessary for or connected with the business of mining and treating ores and minerals: Provided, that nothing herein contained shall be construed to infringe upon the authority of the United States to provide for the sale or disposition of its mineral and other public lands.

SEC. 26. The people shall have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for redress of grievances by petition or remonstrance.

SEC. 27. No person shall be deprived of life, liberty or property without due process of law.

SEC. 28. There shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 29. The provisions of this constitution are mandatory and prohibitory unless by express words they are declared to be otherwise.

SEC. 30. The enumeration in this constitution of certain rights, shall not be construed to deny, impair or disparage others retained by the people.

SEC. 31. No armed person or persons or armed body of men shall be brought into this state for the preservation of the peace or the suppression of domestic violence, except upon the application of the legislative assembly or of the governor when the legislative assembly cannot be convened.

ARTICLE IV.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this state are divided into three distinct departments: The legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of the state shall be vested in a legislative assembly, consisting of a senate and house of representatives; but the people reserve to themselves power to propose laws, and to enact or reject the same at the polls except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Article V, Section 26, of this constitution, independent of the legislative assembly; and also reserve power at their own option, to approve or reject at the polls, any act of the legislative assembly, except as to laws necessary for the immediate preservation of the public peace, health or safety, and except as to laws relating to appropriations of money, and except as to laws for the submission of constitutional amendments, and except as to local or special laws, as enumerated in Art. V, Sec. 26, of this constitution. The first power reserved by the people is the initiative and eight per cent of the legal voters of the state shall be required to propose any measure by petition; provided, that two-fifths of the whole number of the counties of the state must each furnish as signers of said petition eight per cent of the legal voters in each county, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state, not less than four months before the election at which they are to be voted upon.

The second power is the referendum, and it may be ordered either by petition signed by five per cent of the legal voters of the state; provided, that two-fifths of the whole number of the counties of the state must each furnish

as signers of said petition five per cent of the legal voters in such county, or, by the legislative assembly as other bills are enacted.

Referendum petitions shall be filed with the secretary of state, not later than six months after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people by the legislative assembly or by initiative referendum petitions.

All elections on measures referred to the people of the state shall be had at the biennial regular general election, except when the legislative assembly, by a majority vote, shall order a special election. Any measure referred to the people shall still be in full force and effect unless such petition be signed by fifteen per cent of the legal voters of a majority of the whole number of the counties of the state, in which case the law shall be inoperative until such time as it shall be passed upon at an election, and the result has been determined and declared as provided by law. The whole number of votes cast for governor at the regular election last preceding the filing of any petition for the initiative or referendum shall be the basis on which the number of legal petitions and orders for the initiative and for the referendum shall be filed with the secretary of state; and in submitting the same to the people, he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor. The enacting clause of every law originated by the initiative shall be as follows:

"Be it enacted by the people of Montana."

This section shall not be construed to deprive any member of the legislature of the right to introduce any measure.[1]

SEC. 2. Senators shall be elected for the term of four years, and representatives for the term of two years, except as otherwise provided in this constitution.

SEC. 3. No person shall be a representative who shall not have attained the age of twenty-one years, or a senator who shall not have attained the age of twenty-four years, and who shall not be a citizen of the United States and who shall not (for at least twelve months next preceding his election) have resided within the county or district in which he shall be elected.

SEC. 4. The legislative assembly of this state, until otherwise provided by law, shall consist of sixteen members of the senate, and fifty-five members of the house of representatives.

It shall be the duty of the first legislative assembly to divide the state into senatorial and representative districts, but there shall be no more than one senator from each county. The senators shall be divided into two classes. Those elected from odd numbered districts shall constitute one class, and those elected from even numbered districts shall constitute the other class, and when any additional senator shall be provided for by law his class shall be determined by lot.

One-half of the senators elected to the first legislative assembly shall hold office for one year, and the other half for three years; and it shall be determined by lot immediately after the organization of the senate, whether the senators from the odd or even numbered districts shall hold for one or three years.

SEC. 5. Each member of the first legislative assembly, as a compensation for his services shall receive six dollars for each day's attendance, and twenty cents for each mile necessarily traveled in going to and returning from the seat of government to his residence by the usually traveled route, and shall receive no other compensation, requisite or allowance whatsoever.

No session of the legislative assembly, after the first, which may be ninety days, shall exceed sixty days.

After the first session, the compensation of the members of the legislative

[1] Amendment proposed by the legislative assembly of 1905 and ratified at the election of November 6, 1906, and declared adopted by a proclamation of the governor issued December 7, 1906.

assembly shall be as provided by law; provided, that no legislative assembly shall fix its own compensation.

SEC. 6. The legislative assembly (except the first) shall meet at the seat of government at twelve o'clock noon, on the first Monday of January, next succeeding the general election provided by law, and at twelve o'clock, noon, on the first Monday of January, of each alternate year thereafter, and at other times when convened by the governor.

The term of service of the members thereof shall begin the next day after their election, until otherwise provided by law; provided, that the first legislative assembly shall meet at the seat of government upon the proclamation of the governor after the admission of the state into the union, upon a day to be named in said proclamation, and which shall not be more than fifteen nor less than ten days after the admission of the state into the union.

SEC. 7. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under the state; and no member of congress, or other person holding an office (except notary public, or in the militia) under the United States or this state, shall be a member of either house during his continuance in office.

SEC. 8. No member of either house shall, during the term for which he shall have been elected, receive any increase of salary or mileage under any law passed during such term.

SEC. 9. The senate shall, at the beginning and close of each regular session, and at such other times as may be necessary, elect one of its members president, pro tempore. The house of representatives shall elect one of its members speaker. Each house shall choose its other officers, and shall judge of the elections, returns, and qualifications of its members.

SEC. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 11. Each house shall have power to determine the rules of its proceedings, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribe or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary for the legislative assembly of a free state.

A member expelled for corruption shall not thereafter be eligible to either house of the legislative assembly; and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 12. Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the ayes and noes on any question, shall, at the request of any two members, be entered on the journal.

SEC. 13. The sessions of each house and of the committees of the whole shall be open unless the business is such as requires secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 15. The members of the legislative assembly shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 16. The sole power of impeachment shall vest in the house of representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the senate sitting for that purpose and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant-governor is on trial the chief justice of the supreme court shall preside. No

person shall be convicted without a concurrence of two-thirds of the senators elected.

SEC. 17. The governor, and other state and judicial officers, except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the state. The party whether convicted or acquitted shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

SEC. 18. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 19. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

SEC. 20. The enacting clause of every law shall be as follows: "Be it enacted by the Legislative Assembly, of the State of Montana."

SEC. 21. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within ten days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 22. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

SEC. 23. No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 24. No bill shall become a law except by a vote of a majority of all the members present in each house, nor unless on its final passage the vote be taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 25. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended shall be re-enacted and published at length.

SEC. 26. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions, or giving effect to informal or invalid deeds; summoning or impaneling grand or petit juries; providing for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever; for the punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the state treasury; relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this state, or to any municipal corporation therein;

exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices, or prescribing the powers or duties of officers in counties, cities, township or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 27. The presiding officer of each house shall, in the presence of the house over which he presides, sign all the bills and joint resolutions passed by the legislative assembly immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

SEC. 28. The legislative assembly shall prescribe by law, the number, duties and compensation of the officers and employees of each house; and no payment shall be made from the state treasury, or be in any way authorized to any such person, except to an acting officer or employee elected or appointed in pursuance of law.

SEC. 29. No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim made against the state without previous authority of law, except as may be otherwise provided herein.

SEC. 30. All stationery, printing, paper, fuel and lights used in the legislative and other departments of government, shall be furnished, and the printing, and binding and distribution of the laws, journals, and department reports and other printing and binding, and the repairing and furnishing the halls and rooms used for the meeting of the legislative assembly, and its committees shall be performed under contract, to be given to the lowest responsible bidder below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

SEC. 31. Except as otherwise provided in this constitution, no law shall extend the term of any public officer, or increase or diminish his salary or emolument after his election or appointment: Provided, That this shall not be construed to forbid the legislative assembly from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, where such salaries or emoluments are not fixed by this constitution.

SEC. 32. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in the case of other bills.

SEC. 33. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 34. No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof, except interest on the public debt.

SEC. 35. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

SEC. 36. The legislative assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes, or to perform any municipal functions whatever.

SEC. 37. No act of the legislative assembly shall authorize the investment of trust funds by executors, administrators, guardians or trustees in the bonds or stock of any private corporation.

SEC. 38. The legislative assembly shall have no power to pass any law

authorizing the state, or any county in the state, to contract any debt or obligation in the construction of any railroad, nor give or loan its credit to or in aid of the construction of the same.

SEC. 39. No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislative assembly; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

SEC. 40. Every order, resolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses, as prescribed in the case of a bill.

SEC. 41. If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced into the legislative assembly, in consideration or upon condition that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence, in favor of or against any other measure or proposition pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly shall give his vote or influence for or against any measure or proposition pending or proposed to be introduced in such legislative assembly, or offer, promise or assent so to do, upon condition that any other member will give, or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislative assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery; and any member of the legislative assembly, or person elected thereto, who shall be guilty of either such offenses, shall be expelled and shall not thereafter be eligible to the legislative assembly, and on the conviction thereof in the civil courts, shall be liable to such further penalty as may be prescribed by law.

SEC. 42. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the legislative assembly, to influence him in the performance of any of his official or public duties, shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 43. The offense of corrupt solicitation of members of the legislative assembly, or of public officers of the state, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punishable by fine and imprisonment.

SEC. 44. A member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 45. When vacancies occur in either house the governor or the person exercising the functions of the governor shall issue writs of election to fill the same.

ARTICLE VI.

APPORTIONMENT AND REPRESENTATION.

SECTION 1. One representative in the congress of the United States shall be elected from the state at large, the first Tuesday in October, 1889, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress the

legislative assembly shall divide the state into congressional districts accordingly.

SEC. 2. The legislative assembly shall provide by law for an enumeration of the inhabitants of the state in the year 1895, and every tenth year thereafter; and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for representatives on the basis of such enumeration according to ratios to be fixed by law.

SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

SEC. 4. Whenever new counties are created, each of said counties shall be entitled to one senator, but in no case shall a senatorial district consist of more than one county.

SEC. 5. The senatorial districts of the state shall be constituted and numbered as follows:

The county of Beaverhead shall constitute the First district, and be entitled to one senator.

The county of Madison shall constitute the Second district, and be entitled to one senator.

The county of Gallatin shall constitute the Third district, and be entitled to one senator.

The county of Jefferson shall constitute the Fourth district, and be entitled to one senator.

The county of Deer Lodge shall constitute the Fifth district, and be entitled to one senator.

The county of Missoula shall constitute the Sixth district, and be entitled to one senator.

The county of Lewis and Clark shall constitute the Seventh district, and be entitled to one senator.

The county of Choteau shall constitute the Eighth district, and be entitled to one senator.

The county of Meagher shall constitute the Ninth district, and be entitled to one senator.

The county of Silver Bow shall constitute the Tenth district, and be entitled to one senator.

The county of Custer shall constitute the Eleventh district, and be entitled to one senator.

The county of Yellowstone shall constitute the Twelfth district, and be entitled to one senator.

The county of Dawson shall constitute the Thirteenth district, and be entitled to one senator.

The county of Fergus shall constitute the Fourteenth district, and be entitled to one senator.

The county of Park shall constitute the Fifteenth district, and be entitled to one senator.

The county of Cascade shall constitute the Sixteenth district, and be entitled to one senator.

SEC. 6. Until an apportionment of representatives be made in accordance with the provisions of this article, they shall be divided among the several counties of the state in the following manner:

The county of Beaverhead shall have two(2).

The county of Madison shall have two (2).

The county of Gallatin shall have two (2).

The county of Jefferson shall have three (3).

The county of Deer Lodge shall have seven (7).

The county of Missoula shall have five (5).

The county of Lewis and Clark shall have eight (8).

The county of Choteau shall have two (2).
The county of Meagher shall have two (2).
The county of Silver Bow shall have ten (10).
The county of Custer shall have two (2).
The county of Yellowstone shall have one (1).
The county of Fergus shall have two (2).
The county of Park shall have two (2).
The county of Cascade shall have two (2).
The counties of Dawson and Cascade shall have one (1) jointly.
The counties of Deer Lodge and Beaverhead shall have one (1) jointly.
The counties of Jefferson and Gallatin shall have one (1) jointly.

ARTICLE VII.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor and superintendent of public instruction, each of whom shall hold his office for four years, or until his successor is elected and qualified, beginning on the first Monday of January next succeeding his election, except that the terms of office of those who are elected at the first election, shall begin the first Monday of January, A. D. 1894. The officers of the executive department, excepting the lieutenant governor, shall during their terms of office reside at the seat of government, where they shall keep the public records books and papers. They shall perform such duties as are prescribed in this constitution and by the laws of the state. The state treasurer shall not be eligible to his office for the succeeding term.

SEC. 2. The officers provided for in section 1 of this article, shall be elected by the qualified electors of the state at the time and place of voting for members of the legislative assembly, and the persons respectively having the highest number of votes for the office voted for shall be elected but if two or more shall have an equal and the highest number of votes for any of said offices, the two houses of the legislative assembly, at its next regular session, shall forthwith, by joint ballot, elect one of such persons for said office. The returns of elections for the officers named in section 1 shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this section, shall be determined as may be prescribed by law.

SEC. 3. No person shall be eligible to the office of governor, lieutenant governor, or superintendent of public instruction, unless he shall have attained the age of thirty years at the time of his election, nor to the office of secretary of state, state auditor, or state treasurer, unless he shall have attained the age of twenty-five years, nor to the office of attorney general unless he shall have attained the age of thirty years, and have been admitted to practice in the supreme court of the state, or territory of Montana, and be in good standing at the time of his election. In addition to the qualifications above prescribed each of the officers named shall be a citizen of the United States, and have resided within the state or territory two years next preceding his election.

SEC. 4. Until otherwise provided by law, the governor, secretary of state, state auditor, treasurer, attorney general and superintendent of public instruction, shall quarterly, as due, during their continuance in office, receive for their services compensation, which is fixed as follows:

Governor, five thousand dollars per annum;
Secretary of state, three thousand dollars per annum;
Attorney general, three thousand dollars per annum;
State treasurer, three thousand dollars per annum;
State auditor, three thousand dollars per annum;
Superintendent of public instruction, two thousand five hundred dollars per annum.

The lieutenant-governor shall receive the same per diem as may be pro

scribed by law for the speaker of the legislative assembly, to be allowed only during the sessions of the legislative assembly.

The compensation enumerated shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office, and the salary of no official shall be increased during his term of office. No officer named in this section shall receive, for the performance of any official duty, any fee for his own use, but all fees fixed by law for the performance by any officer of any official duty, shall be collected in advance, and deposited with the state treasurer quarterly to the credit of the state. No officer mentioned in this section shall be eligible to, or hold any other public office, except member of the state board of education during his term of office.

SEC. 5. The supreme executive power of the state shall be vested in the governor, who shall see that the laws are faithfully executed.

SEC. 6. The governor shall be commander-in-chief of the militia forces of the state, except when these forces are in the actual service of the United States, and shall have power to call out any part or the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion.

SEC. 7. The governor shall nominate, and by and with the consent of the senate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If during a recess of the senate a vacancy occur in any such office, the governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. If the office of secretary of state, state auditor, state treasurer, attorney general or superintendent of public instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified.

SEC. 8. The legislative assembly shall provide for a state examiner, who shall be appointed by the governor and confirmed by the senate. His duty shall be to examine the accounts of state treasurer, supreme court clerks, district court clerks and all county treasurers and treasurers of such other public institutions as may be prescribed by law, and he shall perform such other duties as the legislative assembly may prescribe. He shall report at least once a year and oftener if required to such officers as may be designated by the legislative assembly. His compensation shall be fixed by law.

SEC. 9. The governor shall have the power to grant pardons, absolute or conditional, and to remit fines and forfeitures, and to grant commutation of punishment and respites after conviction and judgment for any offenses committed against the criminal laws of this state: Provided, however, That before granting pardons, remitting fines and forfeitures, or commuting punishments, the action of the governor concerning the same shall be approved by a board, or a majority thereof, composed of the secretary of state, attorney general and state auditor, who shall be known as the board of pardons. The legislative assembly shall by law prescribe the sessions of said board, and regulate the proceedings thereof. But no fine or forfeitures shall be remitted, and no commutation or pardon granted, except upon the approval of a majority of said board after a full hearing in open session and until notice of the time and place of such hearing, and of the relief sought, shall have been given by publication in some newspaper of general circulation in the county where the crime was committed, at least once a week for two weeks. The proceedings and decisions of the board shall be reduced to writing, and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by them and filed, with all papers used upon the hearing, in the office of the secretary of state. The governor shall communicate to the legislative assembly, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation or pardon granted since the last previous report, stating the name of the convict, the crime of which he was

convicted, the sentence and its date, and the date of remission, commutation, pardon or reprieve, with the reasons for granting the same and the objections, if any, of any member of the board made thereto.

SEC. 10. The governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing, at any time, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions, and may, at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or state institution. The governor shall at the beginning of each session, and from time to time, by message, give to the legislative assembly information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall also send to the legislative assembly a statement with vouchers of the expenditures of all moneys belonging to the state and paid out by him. He shall also at the beginning of each session present estimates of the amount of money required to be raised by taxation for all purposes of the state.

SEC. 11. He may on extraordinary occasions convene the legislative assembly by proclamation, stating the purposes for which it is convened, but when so convened, it shall have no power to legislate on any subjects other than those specified in the proclamation, or which may be recommended by the governor, but may provide for the expenses of the session and other matters incidental thereto. He may also by proclamation convene the senate in extraordinary session for the transaction of executive business.

SEC. 12. Every bill passed by the legislative assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objection to the house in which it originated, which house shall enter the objection at large upon its journal and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present in that house it shall become a law notwithstanding the objections of the governor. In all such cases the vote of each house shall be determined by yeas and nays, to be entered on the journal. If any bill shall not be returned by the governor within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly shall by their adjournment prevent its return, in which case it shall not become a law without the approval of the governor. No bill shall become a law after the final adjournment of the legislative assembly, unless approved by the governor within fifteen days after such adjournment. In case the governor shall fail to approve of any bill after the final adjournment of the legislative assembly it shall be filed, with his objections, in the office of the secretary of state.

SEC. 13. The governor shall have power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law, and the item or items disapproved shall be void, unless enacted in the manner following: If the legislative assembly be in session he shall within five days transmit to the house in which the bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 14. In case of the failure to qualify, the impeachment or conviction of felony or infamous crime of the governor, or his death, removal from office, resignation, absence from the state, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office, for the residue of the term, or until the disability shall cease, shall devolve upon the lieutenant-governor.

SEC. 15. The lieutenant-governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant-governor, from any cause which applies to the governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant-governor until the vacancy is filled or the disability removed.

SEC. 16. In case of the failure to qualify in his office, death, resignation, absence from the state, impeachment, conviction of felony or infamous crime, or disqualification from any cause, of both the governor and the lieutenant-governor, the duties of the governor shall devolve upon the president pro tempore of the senate until such disqualification of either the governor or lieutenant-governor be removed, or the vacancy filled, and if the president pro tempore of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house.

SEC. 17. The first legislative assembly shall provide a seal for the state, which shall be kept by the secretary of state and used by him officially, and known as the great seal of the state of Montana.

SEC. 18. All grants and commissions shall be in the name and by the authority of the state of Montana, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

SEC. 19. An account shall be kept by the officers of the executive department, and of all public institutions of the state of all moneys received by them, severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semi-annual report hereof shall be made to the governor, under oath; they shall also, at least twenty days preceding each regular session of the legislative assembly, make full and complete reports of their official transactions to the governor, who shall transmit the same to the legislative assembly.

SEC. 20. The governor, secretary of state and attorney general shall constitute a board of state prison commissioners, which board shall have such supervision of all matters connected with the state prisons as may be prescribed by law. They shall constitute a board of examiners, with power to examine all claims against the state, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claims against the state except for salaries and compensation of officers fixed by law, shall be passed upon by the legislative assembly without first having been considered and acted upon by said board. The legislative assembly may provide for the temporary suspension of the state treasurer by the governor, when the board of examiners deem such action necessary for the protection of the moneys of the state.

ARTICLE VIII.

JUDICIAL DEPARTMENTS.

SECTION 1. The judicial power of the state shall be vested in the senate sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, and such other inferior courts as the legislative assembly may establish in any incorporated city or town.

SEC. 2. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general supervisory control over all inferior courts, under such regulations and limitations as may be prescribed by law.

SEC. 3. The appellate jurisdiction of the supreme court shall extend to all cases at law and in equity, subject, however, to such limitations and regulations as may be prescribed by law. Said court shall have power in its discretion to issue and to hear and determine writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and injunction, and such other original and remedial writs as may be necessary or proper to complete exercise of its appellate jurisdiction. When a jury is required in the supreme court to de-

termine an issue of fact, said court shall have power to summon such jury in such manner as may be provided by law. Each of the justices of the supreme court shall have power to issue writs of habeas corpus to any part of the state, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the supreme court, or before any district court of the state, or any judge thereof; and such writs may be heard and determined by the justice or court, or judge, before whom they are made returnable. Each of the justices of the supreme court may also issue and hear and determine writs of certiorari in proceedings for contempt in the district court, and such other writs as he may be authorized by law to issue.

SEC. 4. At least three terms of the supreme court shall be held each year at the seat of government.

SEC. 5. The supreme court shall consist of three justices, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said justices may adjourn the court from day to day, or to a day certain and the legislative assembly shall have the power to increase the number of said justices to not less nor more than five. In case any justice or justices of the supreme court shall be in any way disqualified to sit in a cause brought before such court, the remaining justice or justices shall have power to call on one or more of the district judges of this state as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this section provided, the decision and opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the supreme court.[2]

SEC. 6. The justices of the supreme court shall be elected by the electors of the state at large, as hereinafter provided.

SEC. 7. The term of office of the justices of the supreme court, except as in this constitution otherwise provided, shall be six years.

SEC. 8. There shall be elected at the first general election, provided for by this constitution, one chief justice and two associate justices of the supreme court. At said first election the chief justice shall be elected to hold his office until the general election in the year one thousand eight hundred ninety-two (1892), and one of the associate justices to hold office until the general election in the year one thousand eight hundred ninety-four (1894), and the other associate justice to hold his office until the general election in the year one thousand eight hundred ninety-six (1896), and each shall hold until his successor is elected and qualified. The terms of office of said justices, and which one shall be chief justice, shall at the first and all subsequent elections be designated by ballot. After said first election one chief justice or one associate justice shall be elected at the general election every two years, commencing in the year one thousand eight hundred ninety-two (1892), and if the legislative assembly shall increase the number of justices to five, the first terms of office of such additional justices shall be fixed by law in such manner that at least one of the five justices shall be elected every two years. The chief justice shall preside at all sessions of the supreme court, and in case of his absence, the associate justice having the shortest term to serve shall preside in his stead.

SEC. 9. There shall be a clerk of the supreme court, who shall hold his office for the term of six years, except that the clerk first elected shall hold his office only until the general election in the year one thousand eight hundred ninety-two (1892), and until his successor is elected and qualified. He shall be elected by the electors at large of the state, and his compensation shall be fixed by law, and his duties prescribed by law, and by the rules of the supreme court.

[2] Amendment proposed by the legislative assembly of 1899, ratified at the election of November 6, 1900, and proclaimed in force by the governor on December 18, 1900. The original section is comprised in the first sentence, "The------five." The rest of the section is the amendment.

SEC. 10. No person shall be eligible to the office of justice of the supreme court, unless he shall have been admitted to practice law in the supreme court of the territory or state of Montana, be at least thirty years of age, and a citizen of the United States, nor unless he shall have resided in said territory or state at least two years next preceding his election.

DISTRICT COURTS.

SEC. 11. The district courts shall have original jurisdiction in all cases at law and in equity, including all cases which involve the title or right of possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all cases in which the debt, damage, claim or demand, exclusive of interest, or the value of the property in controversy exceeds fifty dollars; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for; of actions of forcible entry and unlawful detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of actions of divorce and for annulment of marriage, and for all such special actions and proceedings as are not otherwise provided for. And said courts shall have the power of naturalization, and to issue papers therefor, in all cases where they are authorized so to do by the laws of the United States. They shall have appellate jurisdiction in such cases arising in justices and other inferior courts in their respective districts as may be prescribed by law and consistent with this constitution. Their process shall extend to all parts of the state, provided that all actions for the recovery of, the possession of, quieting title to, or for the enforcement of liens upon real property, shall be commenced in the county in which the real property, or any part thereof, affected by such action or actions, is situated. Said courts and the judges thereof shall have power also to issue, hear and determine writs of mandamus, quo warranto, certiorari, prohibition, injunction and other original and remedial writs, and also all writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Injunctions, writs of prohibition and habeas corpus, may be issued and served on legal holidays and non-judicial days.

SEC. 12. The state shall be divided into judicial districts, in each of which there shall be elected by the electors thereof one judge of the district court, whose term of office shall be four years, except that the district judges first elected shall hold their offices only until the general election in the year one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified. Any judge of the district court may hold court for any other district judge, and shall do so when required by law.

SEC. 13. Until otherwise provided by law the judicial districts of the state shall be constituted as follows: First district, Lewis and Clark county; Second district, Silver Bow county; Third district, Deer Lodge county; Fourth district, Missoula county; Fifth district, Beaverhead, Jefferson and Madison counties; Sixth district, Gallatin, Park and Meagher counties; Seventh district, Yellowstone, Custer and Dawson counties; Eighth district, Choteau, Cascade and Fergus counties.

SEC. 14. The legislative assembly may increase or decrease the number of judges in any judicial district; provided, that there shall be at least one judge in any district established by law; and may divide the state, or any part thereof, into new districts; provided, that each be formed of compact territory and be bounded by county lines, but no changes in the number or boundaries of districts shall work a removal of any judge from office during the term for which he has been elected or appointed.

SEC. 15. Writs of error and appeals shall be allowed from the decisions of the said district courts to the supreme court under such regulations as may be prescribed by law.

SEC. 16. No person shall be eligible to the office of judge of the district court unless he be at least twenty-five years of age and a citizen of the United States, and shall have been admitted to practice law in the supreme court of the territory or state of Montana, nor unless he shall have resided in this

state or territory at least one year next preceding his election. He need not be a resident of the district for which he is elected at the time of his election, but after his election he shall reside in the district for which he is elected during his term of office.

SEC. 17. The district court in each county which is a judicial district by itself shall be always open for the transaction of business, except on legal holidays and non-judicial days. In each district where two or more counties are united, until otherwise provided by law, the judges of such district shall fix the term of court, provided that there shall be at least four terms a year held in each county.

SEC. 18. There shall be a clerk of the district court in each county, who shall be elected by the electors of his county. The clerk shall be elected at the same and for the same term as the district judge. The duties and compensation of the said clerk shall be as provided by law.

COUNTY ATTORNEYS.

SEC. 19. There shall be elected at the general election in each county of the state one county attorney, whose qualifications shall be the same as are required for a judge of the district court, except that he must be over twenty-one years of age, but need not be twenty-five years of age, and whose term of office shall be two years, except that the county attorneys first elected shall hold their offices until the general election in the year one thousand eight hundred and ninety-two (1892) and until their successors are elected and qualified. He shall have a salary to be fixed by law, one-half of which shall be paid by the state, and the other half by the county for which he is elected, and he shall perform such duties as may be required by law.

JUSTICES OF THE PEACE.

SEC. 20. There shall be elected in each organized township of each county by electors of such township at least two justices of the peace, who shall hold their offices, except as otherwise provided in this constitution, for the term of two years. Justices courts shall have such original jurisdiction within their respective counties as may be prescribed by law, except as in this constitution otherwise provided; Provided, That they shall not have jurisdiction in any case where the debt, damage, claim or value of the property involved exceeds the sum of three hundred dollars.

SEC. 21. Justices courts shall not have jurisdiction in any case involving the title or right of possession of real property, nor in cases of divorce, nor annulment of marriage, nor of cases in equity; nor shall they have power to issue writs of habeas corpus, mandamus, certiorari, quo warranto, injunction, or prohibition, nor the power of naturalization; nor shall they have jurisdiction in cases of felony, except as examining courts; nor shall criminal cases in said courts be prosecuted by indictment; but said courts shall have such jurisdiction in criminal matters, not of the grade of felony, as may be provided by law; and shall also have concurrent jurisdiction with the district courts in cases of forcible entry and unlawful detainer.

SEC. 22. Justices courts shall always be open for the transaction of business, except on legal holidays and non-judicial days.

SEC. 23. Appeal shall be allowed from justices courts, in all cases, to the district courts, in such manner and under such regulations as may be prescribed by law.

POLICE AND MUNICIPAL COURTS.

SEC. 24. The legislative assembly shall have power to provide for creating such police and municipal courts and magistrates for cities and towns as may be deemed necessary from time to time, who shall have jurisdiction in all cases arising under the ordinances of such cities and towns, respectively; such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.

MISCELLANEOUS PROVISIONS.

SEC. 25. The supreme and district courts shall be courts of record.

SEC. 26. All laws relating to courts shall be general and of uniform operation throughout the state; and the organization, jurisdiction, powers, proceedings and practices of all courts of the same class or grade, so far as regulated by law, shall be uniform.

SEC. 27. The style of all process shall be "The State of Montana," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 28. There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 29. The justices of the supreme court and the judges of the district courts shall each be paid quarterly by the state, a salary, which shall not be increased or diminished during the terms for which they shall have been respectively elected. Until otherwise provided by law, the salary of the justices of the supreme court shall be four thousand dollars per annum each, and the salary of the judges of the district courts shall be three thousand five hundred dollars per annum each.

SEC. 30. No justice of the supreme court nor judge of the district court shall accept or receive any compensation, fee, allowance, mileage, perquisite or emolument for or on account of his office, in any form whatever, except the salary provided by law.

SEC. 31. No justice or clerk of the supreme court, nor judge or clerk of any district court shall act or practice as an attorney or counsellor at law in any court of this state during his continuance in office.

SEC. 32. The legislative assembly may provide for the publication of decisions and opinions of the supreme court.

SEC. 33. All officers provided for in this article, excepting justices of the supreme court, who shall reside within the state, shall respectively reside during their term of office in the district, county, township, precinct, city or town for which they may be elected or appointed.

SEC. 34. Vacancies in the office of justice of the supreme court, or judge of the district court, or clerk of the supreme court, shall be filled by appointment, by the governor of the state, and vacancies in the offices of county attorneys, clerk of the district court, and justices of the peace, shall be filled by appointment, by the board of county commissioners of the county where such vacancy occurs. A person appointed to fill any such vacancy shall hold his office until the next general election and until his successor is elected and qualified. A person elected to fill a vacancy shall hold office until the expiration of the term for which the person he succeeds was elected.

SEC. 35. No justice of the supreme court or district judge shall hold any other public office while he remains in the office to which he has been elected or appointed.

SEC. 36. A civil action in the district court may be tried by a judge pro tempore, who must be a member of the bar of the state, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the cause; and in such case any order, judgment or decree, made or rendered therein by such judge pro tempore, shall have the same force and effect as if made or rendered by the court with the regular judge presiding.

SEC. 37. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office.

ARTICLE IX.

RIGHTS OF SUFFRAGE AND QUALIFICATIONS TO HOLD OFFICE.

SECTION 1. All elections by the people shall be by ballot.

SEC. 2. Every person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all general elections and for all officers that now are, or hereafter may be, elective by the people and upon all questions which may be submitted to the vote of the people: First,

he shall be a citizen of the United States; second, he shall have resided in thi state one year immediately preceding the election at which he offers to vote and in the town, county or precinct such time as may be prescribed by law Provided, first, that no person convicted of felony shall have the right to vote unless he has been pardoned; Provided, second, that nothing herein containe shall be construed to deprive any person of the right to vote who has such righ at the time of the adoption of this constitution; Provided, that after the expira tion of five years from the time of the adoption of this constitution no perso except citizens of the United States shall have the right to vote.[3]

SEC. 3. For the purpose of voting no person shall be deemed to have gaine or lost a residence by reason of his presence or absence while employed in th service of the state, or of the United States, nor while engaged in the navigatio of the waters of the state, or of the United States, nor while a student at an institution of learning, nor while kept at any alms-house or other asylum a the public expense, nor while confined in any public prison.

SEC. 4. Electors shall in all cases, except treason, felony or breach o peace, be privileged from arrest during their attendance at elections and i going to and returning therefrom.

SEC. 5. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 6. No soldier, seaman or marine in the army or navy of the Unite States shall be deemed a resident of this state in consequence of being sta tioned at any military or naval place within the same.

SEC. 7. No person shall be elected or appointed to any office in this state civil or military, who is not a citizen of the United States, and who shall no have resided in this state at least one year next before his election or appoint ment.

SEC. 8. No idiot or insane person shall be entitled to vote at any electio in this state.

SEC. 9. The legislative assembly shall have the power to pass a registratio and such other laws as may be necessary to secure the purity of elections an guard against abuses of the elective franchise.

SEC. 10. Women shall be eligible to hold the office of county superintend ent of schools or any school district office, and shall have the right to vote a any school district election.

SEC. 11. Any person qualified to vote at general elections and for stat officers in this state, shall be eligible to any office therein except as otherwis provided in this constitution, and subject to such additional qualifications a may be prescribed by the legislative assembly for city offices and offices here after created.

SEC. 12. Upon all questions submitted to the vote of the tax-payers of th state, or any political division thereof, women who are tax-payers and possesse of the qualifications for the right of suffrage required of men by this consti tution, shall equally with men have the right to vote.

SEC. 13. In all elections held by the people under this constitution, th person or persons who shall receive the highest number of legal votes shal be declared elected.

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. Educational, reformatory and penal institutions, and those fo the benefit of the insane, blind, deaf and mute, soldiers home, and such othe institutions as the public good may require, shall be established and supporte by the state in such manner as may be prescribed by law.

SEC. 2. At the general election in the year one thousand eight hundre and ninety-two, the question of permanent location of the seat of government i

[3] Amendment proposed by the legislative assembly of 1913 and ratified at the elec tion of November 3, 1914. The section as amended is identical with the section as originally adopted except that the original section contained the word "male" after th first word "Every" in line 1.

hereby provided to be submitted to the qualified electors of the state, and the majority of all the votes upon said question shall determine the location thereof. In case there shall be no choice of location at said election, the question of choice between the two places for which the highest number of votes shall have been cast shall be, and is hereby, submitted in like manner to the qualified electors at the next general election thereafter: Provided, That until the seat of government shall have been permanently located the temporary seat of government shall be and remain at the city of Helena.

SEC. 3. When the seat of government shall have been located as herein provided the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that quesition at a general election at which the question of the location of the seat of government shall have been submitted by the legislative assembly.

SEC. 4. The legislative assembly shall make no appropriations or expenditures for capital buildings or grounds until the seat of government shall have been permanently located, as herein provided.

SEC. 5. The several counties of the state shall provide as may be prescribed by law for those inhabitants, who, by reason of age, infirmity or misfortune, may have claims upon the sympathy and aid of society.

ARTICLE XI.

EDUCATION.

SECTION 1. It shall be the duty of the legislative assembly of Montana to establish and maintain a general, uniform and thorough system of public, free common schools.

SEC. 2. The public school fund of the state shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the state by the general government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under grants of land or money made to the state from the general government for general educational purposes or where no other special purpose is indicated in such grant; all estates, or distributive shares of estates that may escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state, and all other grants, gifts, devises or bequests made to the state for general educational purposes.

SEC. 3. Such public school fund shall forever remain inviolate, guaranteed by the state against loss or diversion, to be invested, so far as possible, in public securities within the state, including school district bonds, issued for the erection of school buildings, under the restrictions to be provided by law.

SEC. 4. The governor, superintendent of public instruction, secretary of state and attorney general shall constitute the state board of land commissioners which shall have the direction, control, leasing and sale of the school lands of the state, and the lands granted or which may hereafter be granted for the support and benefit of the various state educational institutions under such regulations and restrictions as may be prescribed by law.

SEC. 5. The interest on all invested school funds of the state, and all rents accruing from the leasing of any school land, shall be apportioned to the several school districts of the state in proportion to the number of children and youths between the ages of six and twenty-one years, residing therein respectively, but no district shall be entitled to such distributive share that does not maintain a public free school for at least three months during the year for which distributions shall be made.

SEC. 6. It shall be the duty of the legislative assembly to provide by taxation, or otherwise, sufficient means, in connection with the amount received from the general school fund, to maintain a public, free common school in each organized district in the state, for at least three months in each year.

SEC. 7. The public free schools of the state shall be open to all children and youths between the ages of six and twenty-one years.

SEC. 8. Neither the legislative assembly, nor any county, city, town, or school district, or other public corporation, shall ever make, directly or indirectly, any appropriation, or pay from any public fund or moneys whatever or make any grant of lands or other property in aid of any church, or for any sectarian purpose, or to aid in the support of any school, academy, seminary, college, university, or other literary, scientific institution, controlled in whole or in part by any church, sect or denomination whatever.

SEC. 9. No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as teacher or student; nor shall attendance be required at any religious service whatever, nor shall any sectarian tenets be taught in any public educational institution of the state; nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex.

SEC. 10. The legislative assembly shall provide that all elections for school district officers shall be separate from those elections at which state or county officers are voted for.

SEC. 11. The general control and supervision of the state university and the various other state educational institutions shall be vested in a state board of education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of eleven members, the governor, state superintendent of public instruction, and attorney general, being members ex officio; the other eight members thereof shall be appointed by the governor subject to the confirmation of the senate, under the regulations and restrictions to be provided by law.

SEC. 12. The funds of the state university and of all other state institutions of learning, from whatever source accruing, shall forever remain inviolate and sacred to the purpose for which they were dedicated. The various funds shall be respectively invested under such regulations as may be prescribed by law, and shall be guaranteed by the state against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties shall be devoted to the maintenance and perpetuation of these respective institutions.

ARTICLE XII.

REVENUE AND TAXATION.

SECTION 1. The necessary revenue for the support and maintenance of the state shall be provided by the legislative assembly, which shall levy a uniform rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, except that specially provided for in this article. The legislative assembly may also impose a license tax, both upon persons and upon corporations doing business in the state.

SEC. 2. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries shall be exempt from taxation; and such other property as may be used exclusively for agricultural and horticultural societies, for educational purposes, places for actual religious worship, hospitals and places of burial not used or held for private or corporate profit, and institutions of purely public charity may be exempt from taxation.

SEC. 3. All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims shall be taxed as provided by law.

SEC. 4. The legislative assembly shall not levy taxes upon the inhabitants or property in any county, city, town, or municipal corporation for county, town, or municipal purposes, but it may by law vest in the corporate authorities thereof powers to assess and collect taxes for such purposes.

SEC. 5. Taxes for city, town and school purposes may be levied on all subjects and objects of taxation, but the assessed valuation of any property shall not exceed the valuation of the same property for state and county purposes.

SEC. 6. No county, city, town or other municipal corporation, the inhabitants thereof nor the property therein, shall be released or discharged from their or its proportionate share of state taxes.

SEC. 7. The power to tax corporations or corporate property shall never be relinquished or suspended, and all corporations in this state, county, school, municipal and other purposes, on real and personal property owned or used by them and not by this constitution exempted from taxation.

SEC. 8. Private property shall not be taken or sold for the corporate debts of public corporations, but the legislative assembly may provide by law for the funding thereof, and shall provide by law for the payment thereof, including all funded debts and obligations, by assessment and taxation of all private property not exempt from taxation within the limits of the territory over which such corporations respectively have authority.

SEC. 9. The rate of taxation on real and personal property for state purposes, except as hereinafter provided, shall never exceed two and one-half mills on each dollar of valuation; and whenever the taxable property of the state shall amount to Six Hundred Million Dollars ($600,000,000.00) the rate shall never exceed two (2) mills on each dollar of valuation, unless the proposition to increase such rate, specifying the rate proposed and the time during which the rate shall be levied shall have been submitted to the people at the general election and shall have received a majority of all votes cast for and against it at such election: Provided, that in addition to the levy for state purposes above provided for, a special levy in addition may be made on live stock for the purpose of paying bounties on wild animals and for stock inspection, protection and indemnity purposes, as may be prescribed by law, and such special levy shall be made and levied annually in amount not exceeding four mills on the dollar by the State Board of Equalization, as may be provided by law.[4]

SEC. 10. All taxes levied for state purposes shall be paid into the state treasury, and no money shall be drawn from the treasury but in pursuance of specific appropriations made by law.

SEC. 11. Taxes shall be levied and collected by general laws and for public purposes only. They shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

SEC. 12. No appropriation shall be made or any expenditures authorized by the legislative assembly whereby the expenditures of the state during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure, unless the legislative assembly making such appropriation shall provide for levying a sufficient tax, not exceeding the rate allowed in section nine (9) of this article, to pay such appropriations or expenditures within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the state, or assist in defending the United States in time of war. No appropriation of public moneys shall be made for a longer term than two years.

SEC. 13. The state treasurer shall keep a separate account of each fund in his hands, and shall at the end of each quarter of the fiscal year report to the governor in writing, under oath, the amount of all moneys in his hands to the credit of every such fund, and the place or places where the same is kept or deposited, and the number and amount of every warrant paid or redeemed by him during the quarter. The governor, or other person or persons authorized by law, shall verify said report and cause the same to be immediately published in at least one newspaper printed at the seat of government.

[4] Amendment proposed by the legislative assembly of 1909 and ratified at the election of November 8, 1910.

and otherwise as the legislative assembly may require. The legislative assembly may provide by law further regulations for the safe keeping and management of the public funds in the hands of the treasurer; but notwithstanding any such regulations, the treasurer and his sureties shall in all cases be held responsible therefor.

SEC. 14. The governor, state auditor and state treasurer are hereby constituted a state depository board with full power and authority to designate depositories with which all funds in the hands of the state treasurer shall be deposited, and at such rate of interest as may be prescribed by law. When money shall have been deposited under direction of said depository board and in accordance with the law, the treasurer shall not be liable for loss on account of any such deposit occurring through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud or dishonorable conduct. The making of profit out of public moneys, or using the same for any purpose not authorized by law, by the state treasurer or by any other public officer, shall be deemed a felony, and shall be punished as provided for by law and part of such punishment shall be disqualification to hold any public office.[5]

SEC. 15. The board of county commissioners of each county shall constitute a county board of equalization and the governor, secretary of state, state treasurer, state auditor and attorney general shall constitute a state board of equalization. The duty of the county board of equalization shall be to adjust and equalize the valuation of taxable property within their respective counties and all such adjustments and equalization may be supervised, reviewed, changed, increased or decreased by the state board of equalization. The state board of equalization may adjust and equalize the valuation of taxable property among the several counties and the different classes of taxable property in the same and in the several counties and between individual taxpayers, supervise and review the acts of county assessors and county boards of equalization; change, increase or decrease valuations made by county assessors or equalized by county boards of equalization and has such authority and may do all things necessary to secure a fair, just and equitable valuation of taxable property among the counties and between the different classes of property and individuals.[6]

SEC. 16. All property shall be assessed in the manner prescribed by law except as is otherwise provided in this constitution. The franchise, roadway, roadbed, rails and rolling stock of all railroads operated in more than one county in this state, shall be assessed by the state board of equalization and the same shall be apportioned to the counties, cities, towns, townships and school districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities, towns, townships and school districts.

SEC. 17. The word property as used in this article is hereby declared to include moneys, credits, bonds, stocks, franchises and all matters and things (real, personal and mixed) capable of private ownership, but this shall not be construed so as to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by such stocks is within the state and has been taxed.

SEC. 18. The legislative assembly shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the state, nor any county, city, town, municipality, nor other subdivision of the state shall ever give or loan its credit in aid of, or make any donation or grant, by subsidy or otherwise, to any individual, asso-

[5] Amendment proposed by the legislative assembly of 1907 and ratified at the election of November 3, 1908.

[6] Amendment proposed by the legislative assembly of 1915 and ratified at the election of November 7, 1916.

ciation or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or a joint owner with any person, company or corporation except as to such ownership as may accrue to the state by operation or provision of law.

SEC. 2. The legislative assembly shall not in any manner create any debt except by law which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged; such law shall specify the purpose to which the funds so raised shall be applied and provide for the levy of a tax sufficient to pay the interest on, and extinguish the principal of such debt within the time limited by such law for the payment thereof; but no debt or liability shall be created which shall singly, or in the aggregate with any existing debt or liability, exceed the sum of one hundred thousand dollars ($100,000) except in case of war, to repel invasion or suppress insurrection, unless the law authorizing the same shall have been submitted to the people at a general election and shall have received a majority of the votes cast for and against it at such election.

SEC. 3. All moneys borrowed by or on behalf of the state or any county, city, town, municipality or other subdivision of the state, shall be used only for the purpose specified in the law authorizing the loan.

SEC. 4. The state shall not assume the debt, or any part thereof, of any county, city, town or municipal corporation.

SEC. 5. No county shall be allowed to become indebted in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceed five (5) per centum of the (value of the) taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such county shall be void. No county shall incur any indebtedness or liability for any single purpose to an amount exceeding ten thousand dollars ($10,000) without the approval of a majority of the electors thereof, voting at an election to be provided by law.

SEC. 6. No city, town, township or school district shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding three per centum of the value of the taxable property therein, to be ascertained by the last assessment for the state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such city, town, township or school district shall be void; Provided, however, that the legislative assembly may extend the limit mentioned in this section, by authorizing municipal corporations to submit the question to a vote of the tax-payers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt.

ARTICLE XIV.

MILITARY AFFAIRS.

SECTION 1. The militia of the state of Montana shall consist of all able-bodied male citizens of the state between the ages of eighteen (18) and forty-five (45) years inclusive, except such persons as may be exempted by the laws of the state or of the United States.

SEC. 2. The legislative assembly shall provide by law for the organization, equipment, and discipline of the militia, and shall make rules and regulations for the government of the same. The organization shall conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. The legislative assembly shall provide by law for maintaining the militia, by appropriations from the treasury of the state.

SEC. 4. The legislative assembly shall provide by law for the safe keeping of the public arms, military records, relics and banners of the state.

SEC. 5. When the governor shall, with the consent of the legislative assembly, be out of the state in time of war, at the head of any military force thereof, he shall continue commander-in-chief of all the military forces of the state.

ARTICLE XV.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which the corporations or grantees shall not have organized or commenced business in good faith at the time of the adoption of this constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporations shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational penal or reformatory corporations as are or may be under the control of the state; but the legislative assembly shall provide by general law for the organization of corporations hereafter to be created; Provided, That any such laws shall be subject to future repeal or alterations by the legislative assembly.

SEC. 3. The legislative assembly shall have the power to alter, revoke or annul any charter or incorporation existing at the time of the adoption of this constitution, or which may be hereafter incorporated, whenever in its opinion it may be injurious to the citizens of the state.

SEC. 4. The legislative assembly shall provide by law that in all elections for directors or trustees of incorporated companies, every stockholder shall have the right to vote in person or by proxy the number of shares of stock owned by him for as many persons as there are directors or trustees to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit, and such directors or trustees shall not be elected in any other manner.

SEC. 5. All railroads shall be public highways, and all railroad, transportation and express companies shall be common carriers and subject to legislative control, and the legislative assembly shall have the power to regulate and control by law the rates of charges for the transportation of passengers and freight by such companies as common carriers from one point to another in the state. Any association or corporation, organized for the purpose, shall have the right to construct and operate a railroad between any designated points within this state and to connect at the state line with railroads of other states and territories. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad.

SEC. 6. No railroad corporation, express or other transportation company or the lessees or managers thereof, shall consolidate its stock, property or franchise, with any other railroad corporation, express or other transportation company, owning or having under its control a parallel or competing line; neither shall it in any manner unite its business or earnings with the business or earnings of any other railroad corporation; nor shall any officer of such railroad, express or other transportation company act as an officer of any other railroad, express, or other transportation company owning or having control of a parallel or competing line.

SEC. 7. All individuals, associations, and corporations shall have equal rights to have persons or property transported on and over any railroad, transportation or express route in this state. No discrimination in charges or facilities for transportation of freight or passengers of the same class shall be made by any railroad, or transportation, or express company, between persons or places within this state; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad or transportation, or express company shall be allowed to charge, collect, or receive, under penalties which the legislative assembly shall prescribe, any greater charge or toll for the transportation of freight or passengers to any place or station upon its route or line, than it charges for the

transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this state. No railroad, express, or transportation company, nor any lessee, manager, or other employee thereof, shall give any preference to any individual, association or corporation, in furnishing cars or motive power, or for the transportation of money or other express matter.

SEC. 8. No railroad, express, or other transportation company, in existence at the time of the adoption of this constitution, shall have the benefit of any future legislation, without first filing in the office of the secretary of state an acceptance of the provisions of this constitution in binding form.

SEC. 9. The right of eminent domain shall never be abridged, nor so construed as to prevent the legislative assembly from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals; and the police powers of the state shall never be abridged, or so construed, as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well being of the state.

SEC. 10. No corporation shall issue stocks or bonds, except for labor done, services performed, or money and property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding a majority of the stock first obtained at a meeting held after at least thirty days notice given in pursuance of law.

SEC. 11. No foreign corporation shall do any business in this state without having one or more known places of business, and an authorized agent or agents in the same, upon whom process may be served. And no company or corporation formed under the laws of any other county, state or territory, shall have, or be allowed to exercise, or enjoy within this state any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of the state.

SEC. 12. No street or other railroad shall be constructed within any city or town without the consent of the local authorities having control of the street or highway proposed to be occupied by such street or other railroad.

SEC. 13. The legislative assembly shall pass no law for the benefit of a railroad or other corporation, or any individual or association of individuals, retrospective in its operation, or which imposes on the people of any county or municipal subdivision of the state, a new liability in respect to transactions or considerations already passed.

SEC. 14. Any association or corporation, or the lessees or managers thereof organized for the purpose, or any individual, shall have the right to construct or maintain lines of telegraph or telephone within this state, and connect the same with other lines; and the legislative assembly shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with, or hold a controlling interest in, the stock or bonds of any other telegraph or telephone company owning or having the control of a competing line, or acquire by purchase or otherwise, any other competing line of telegraph or telephone.

SEC. 15. If any railroad, telegraph, telephone, express or other corporation or company organized under any of the laws of this state, shall consolidate, by sale or otherwise, with any railroad, telegraph, telephone, express, or other corporation, organized under any of the laws of any other state or territory of the United States, the same shall not thereby become a foreign corporation, but the courts of this state shall retain jurisdiction over that part of the corporate property within the limits of the state, in all matters that may arise as if said consolidation had not taken place.

SEC. 16. It shall be unlawful for any person, company or corporation to require of its servants or employees, as a condition of their employment or otherwise, any contract or agreement whereby such persons, company or corporation, shall be released or discharged from liability or responsibility on account

of personal injuries received by such servants or employees while in the service of such person, company or corporation, by reason of negligence of such person, company or corporation, or the agents or employees thereof; and such contracts shall be absolutely null and void.

SEC. 17. The legislative assembly shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 18. The term "corporation," as used in this article, shall be held and construed to include all associations and joint stock companies, having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships; and all corporations shall have the right to sue, and shall be subject to be sued in all courts in like cases as natural persons, subject to such regulations and conditions as may be prescribed by law.

SEC. 19. Dues from private corporations shall be secured by such means as may be prescribed by law.

SEC. 20. No incorporation, stock company, person or association of persons in the state of Montana, shall directly, or indirectly, combine or form what is known as a trust, or make any contract with any person, or persons, corporations, or stock companies, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price, or regulating the production of any article of commerce, or of the product of the soil, for consumption by the people. The legislative assembly shall pass laws for the enforcement thereof by adequate penalties to the extent, if necessary for that purpose, of the forfeiture of their property and franchises, and in case of foreign corporations prohibiting them from carrying on business in the state.

ARTICLE XVI.

MUNICIPAL CORPORATIONS AND OFFICERS.

SECTION 1. The several counties of the territory of Montana, as they shall exist at the time of the admission of the state into the union, are hereby declared to be the counties of the state until otherwise established or changed by law.

SEC. 2. The legislative assembly shall have no power to remove the county seat of any county, but the same shall be provided for by general law; and no county seat shall be removed unless a majority of the qualified electors of the county, at a general election on a proposition to remove the county seat, shall vote therefor; but no such proposition shall be submitted oftener than once in four years.

SEC. 3. In all cases of the establishment of a new county it shall be held to pay its ratable proportion of all then existing liabilities of the county or counties from which it is formed, less the ratable proportion of the value of the county buildings and property of the county or counties from which it is formed; Provided, That nothing in this section shall prevent the readjustment of county lines between existing counties.

SEC. 4. In each county there shall be elected three county commissioners, whose term of office shall be six years; provided, that the term of office of those elected November 6th, 1900, shall expire on the first Monday in January, 1907, provided further, that at the general election to be held in November, 1902 (in counties where commissioners are to be elected that year), three commissioners shall be elected whose terms expire on the first Monday in January, 1907; provided further, that at the general election to be held in November, 1906, one commissioner shall be elected for a term of two years, one commissioner shall be elected for a term of four years, and one commissioner shall be elected for a term of six years, whose terms of office shall commence on the said first Monday in January, 1907; and provided further, that at each general election thereafter commencing with the general election to be held in November, 1908, one commissioner shall be elected for a term of six years.

A vacancy in the board of county commissioners shall be filled by appointment by the judge of the judicial district in which the vacancy occurs.[7]

SEC. 5. There shall be elected in each county the following officers: One county clerk, who shall be clerk of the board of the county commissioners and ex-officio recorder; one sheriff; one treasurer, who shall be collector of taxes; Provided, That no person shall hold the office of county treasurer for more than two consecutive terms; one county superintendent of schools; one county surveyor; one assessor; one coroner; one public administrator. Persons elected to the different offices named in this section shall hold their respective offices for the term of two years, and until their successors are elected and qualified. Vacancies in all county, township and precinct offices, except that of county commissioners, shall be filled by appointment by the board of county commissioners, and the appointee shall hold his office until the next general election.

SEC. 6. The legislative assembly may provide for the election or appointment of such other county, township, precinct and municipal officers as public convenience may require and their terms of office shall be as prescribed by law, not in any case to exceed two years, except as in this constitution otherwise provided.

ARTICLE XVII.

PUBLIC LANDS.

SECTION 1. All lands of the state that have been, or that may hereafter be granted to the state by congress, and all lands acquired by gift or grant or devise, from any person or corporation, shall be public lands of the state, and shall be held in trust for the people, to be disposed of as hereafter provided, for the respective purposes for which they have been or may be granted, donated or devised; and none of such land, nor any estate or interest therein, shall ever be disposed of except in pursuance of general laws providing for such disposition, nor unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of, except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States. Said lands shall be classified by the board of land commissioners, as follows: First, lands, which are valuable only for grazing purposes. Second, those which are principally valuable for the timber that is on them. Third, agricultural lands. Fourth, lands within the limits of any town or city or within three miles of such limits; Provided, That any of said lands may be reclassified whenever, by reason of increased facilities for irrigation or otherwise, they shall be subject to different classification.

SEC. 2. The lands of the first of said classes may be sold or leased, under such rules and regulations as may be prescribed by law. The lands of the second class may be sold, or the timber thereon may be sold, under such rules and regulations as may be prescribed by law. The agricultural lands may be either sold or leased, under such rules and regulations as may be prescribed by law. The land of the fourth class shall be sold in alternate lots of not more than five acres each, and not more than one-half of any one tract of such lands shall be sold prior to the year one thousand nine hundred and ten (1910).

SEC. 3. All other public lands may be disposed of in such manner as may be provided by law.

ARTICLE XVIII.

LABOR.

SECTION 1. The legislative assembly may provide for a bureau of agriculture, labor and industry, to be located at the capital and be under the control of a commissioner appointed by the governor subject to the confirmation of the senate. The commissioner shall hold his office for four years, and until

[7] Amendment proposed by the legislative assembly of 1901, ratified at the election of November 3, 1902, and declared adopted by a proclamation of the governor issued on December 5, 1902. In *State* v. *Commissioners*, 34 Mont. 426, it was held that this amendment does not violate Section 31, Article V, or Section 9, Article XIX, of the constitution.

his successor is appointed and qualified; his compensation shall be as provided by law.

SEC. 2. It shall be unlawful for the warden or other officer of any state penitentiary or reformatory institution in the state of Montana, or for any state officer to let by contract to any person or persons or corporation the labor of any convict confined within said institution.

SEC. 3. It shall be unlawful to employ children under the age of sixteen (16) years of age in underground mines.[8]

SEC. 4. A period of eight hours shall constitute a day's work on all works or undertakings carried on or aided by any municipal, county or state government, and on all contracts let by them, and in mills and smelters for the treatment of ores, and in underground mines.

SEC. 5. The legislature by appropriate legislation shall provide for the enforcement of the provisions of this Article.

ARTICLE XIX.

MISCELLANEOUS SUBJECTS AND FUTURE AMENDMENTS.

SECTION 1. Members of the legislative assembly and all officers, executive, ministerial or judicial, shall, before they enter upon the duties of the respective offices, take and subscribe the following oath or affirmation, to-wit: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity; and that I have not paid, or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly, or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law, so help me God." And no other oath, declaration or test shall be required as a qualification for any office or trust.

SEC. 2. The legislative assembly shall have no power to authorize lotteries, or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this state.

SEC. 3. The legislative assembly shall enact suitable laws to prevent the destruction by fire from any cause of the grasses and forests upon lands of the state or upon lands of the public domain the control of which may be conferred by congress upon this state, and to otherwise protect the same.

SEC. 4. The legislative assembly shall enact liberal homestead and exemption laws.

SEC. 5. No perpetuities shall be allowed, except for charitable purposes.

SEC. 6. All county officers shall keep their offices at the county seats of their respective counties.

SEC. 7. In the disposition of the public lands granted by the United States to this state, preference shall always be given to actual settlers thereon, and the legislative assembly shall provide by law for carrying this section into effect.

SEC. 8. The legislative assembly may at any time, by a vote of two-thirds of the members elected to each house, submit to the electors of the state the question whether there shall be a convention to revise, alter, or amend this constitution; and if a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as that of the house of representatives, and they shall be elected in the same manner, at the same places and in the same dis-

[8] Sections 3, 4 and 5 are new sections; they were proposed by the legislative assembly of 1903, ratified at the election of November 8, 1904, and declared to be in force by a proclamation issued by the governor on December 8, 1904.

tricts. The legislative assembly shall in the act calling the convention designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Before proceeding, the members shall take an oath to support the constitution of the United States and of the state of Montana, and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of the members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly. Said convention shall meet within three months after such election and prepare such revisions, alteration or amendments to the constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection at an election appointed by the convention for that purpose, not less than two or more than six months after the adjournment thereof; and unless so submitted and approved by a majority of the electors voting at the election, no such revision, alteration or amendment shall take effect.

SEC. 9. Amendments to this constitution may be proposed in either house of the legislative assembly, and if the same shall be voted for by two-thirds of the members elected to each house, such proposed amendments, together with the ayes and nays of each house thereon, shall be entered in full on their respective journals; and the secretary of state shall cause the said amendment or amendments to be published in full in at least one newspaper in each county (if such there be) for three months previous to the next general election for members to the legislative assembly; and at said election the said amendment or amendments shall be submitted to the qualified electors of the state for their approval or rejection and such as are approved by a majority of those voting thereon shall become part of the constitution. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished by numbers or otherwise that each can be voted on separately; Provided, however, that not more than three amendments to this constitution shall be submitted at the same election.

SECTION XX.

SCHEDULE.

That no inconvenience may arise by reason of changing from a territorial to a state form of government, it is declared as follows:

SECTION 1. All laws enacted by the legislative assembly of the territory of Montana and in force at the time the state shall be admitted into the union and not inconsistent with this constitution or the constitution or laws of the United States of America, shall be and remain in full force as the laws of the state until altered or repealed, or until they expire by their own limitation; Provided, That whenever in said laws the words, "Territory," "Montana Territory" or "Territory of Montana" occur, the words "State" or "State of Montana" shall be appropriately substituted and read therefor; And, provided further, that the duties which now by law devolve upon probate judges as jury commissioners and in relation to issuing marriage licenses and filling and recording marriage certificates, and the duties as ex-officio clerks of their own courts, shall until otherwise provided by law, devolve upon and be performed by clerks of district courts, in their respective counties; And provided further, That the duties of probate judges now imposed by law relative to town sites and to the approval of bonds of other county officers shall, until otherwise provided by law, be performed by the district judges in the several counties in their respective districts.

SEC. 2. All lawful orders, judgments and decrees in civil causes, all contracts and claims, and all lawful convictions, judgments and sentences in criminal actions, made and entered, or pronounced by the courts within the territory of Montana, and in force at the time the state shall be admitted into the union, shall continue and be and remain in full force in the state unaffected in any respect by the change from a territorial to a state form of government, and may be enforced and executed under the laws of the state.

SEC. 3. No crime or criminal offense committed against the laws of the territory of Montana shall abate, or be in any wise affected, by reason of the change from a territorial to a state form of government; but the same shall be deemed and taken to be an offense against the laws of the state, and the appropriate courts of the state shall have jurisdiction over and to hear and determine the same; Provided, That this section shall not in any wise be construed to change the law of the statute of limitations, or the due effect or application of the same.

SEC. 4. Except as herein otherwise provided, the word "district" shall be substituted and read in lieu of the word "probate" in the terms "probate court" or "probate judge" whenever the same occur in the laws of the territory of Montana, and all said laws which by their terms apply to probate courts or probate judges shall, except as in this constitution otherwise provided, upon a change from territorial to state government, be deemed and taken to apply to district courts and district judges; Provided, That all laws allowing fees to probate judges are hereby repealed.

SEC. 5. Clerks of district courts, until otherwise provided by law, shall each perform the duties and be entitled to the same fees as now provided by law for clerks of the district courts of the territory, and until otherwise provided by law shall also perform the services and be entitled to fees therefor that are now provided for clerks of probate courts.

SEC. 6. Upon a change from territorial to state government the seals in use by the supreme court and the territorial district courts in and for the several counties respectively, shall pass to and become, until otherwise provided by law, the seals respectively of the supreme court and of the district courts of the state in such counties.

SEC. 7. Prosecutions for criminal offenses against the laws of the territory of Montana, pending at the time the state shall be admitted into the union shall not abate; but the same shall continue and be prosecuted in the name of the state of Montana, and the title of every such action shall be changed to conform to this provision.

SEC. 8. Parties who, at the time of the admission of the state into the union, may be confined under lawful commitments, or otherwise lawfully held to answer for alleged violations of any of the criminal laws of the territory of Montana, shall continue to be so confined or held until discharged therefrom by the proper courts of the state.

SEC. 9. All writs, processes, prosecutions, actions, causes of action, defenses, claims and rights of individuals, associations and bodies corporate existing at the time the state shall be admitted into the union, shall continue and be respectively executed, proceeded with, determined, enforced and protected under the laws of the state.

SEC. 10. All undertakings, bonds, obligations and recognizances in force at the time the state shall be admitted into the union, which was executed to the territory of Montana, or any officer thereof in his official capacity, or to any official board for the benefit of the territory of Montana, are hereby respectively assigned and transferred to the state of Montana, to the state officer successor to said territorial officer, or the official board successor to the aforesaid official board, for the use of the state, as the case may be, and shall be as valid and binding as if executed under state law to the state, or state officer in his official capacity, or official board, for the benefit of the state; and all fines, taxes, penalties and forfeitures due or owing to the territory of Montana or to any county, school district, or municipality therein, at the time the state shall be admitted into the union, are hereby respectively assigned and transferred, and the same shall be payable to the state, county, school district or municipality as the case may be, and payment thereof may be enforced under the laws of the state.

SEC. 11. All property, real and personal, and all moneys, credits, claims, demands and choses in action of every kind, belonging to the territory of Montana at the time the state shall be admitted into the union, are hereby

assigned and transferred to, and shall be vested in, and become the property of the state of Montana.

SEC. 12. All obligations of the territory of Montana, existing, in force and unpaid at the time of the admission of the state into the union are hereby assumed by the state, which shall and will well and truly pay the same.

SEC. 13. All matters, cases and proceedings pending in any probate court in the territory of Montana, at the time the state shall be admitted into the union, and all official records, files, moneys, and other property of, or pertaining to such court, are hereby transferred to the district court in and for the same county, and such district court shall have full power and jurisdiction to hear, determine and dispose of all such matters, cases and proceedings.

SEC. 14. All actions, cases and proceedings, and matters which shall be pending in the supreme and district courts of Montana territory at the time of the admission of the state into the union whereof the United States circuit or district court might have had jurisdiction, had such court existed at the commencement of such actions, cases, proceedings and matters, respectively, shall be transferred to said United States circuit and district courts respectively; and all the files, records, indictments and proceedings relating to such actions, cases, proceedings and matters shall be transferred to said United States courts; Provided, That no civil action, cause or proceeding to which the United States is not a party, shall be transferred to either of said United States courts except upon written request of one of the parties thereto and in the absence of such request, such case shall be proceeded with in the proper state courts.

SEC. 15. All actions, cases, proceedings and matters pending in the supreme and district courts of the territory of Montana at the time the state shall be admitted into the union, and all files, records and indictments relating thereto, except as otherwise provided herein, shall be appropriately transferred, as may be proper to the supreme and district courts of the state, respectively, and all such actions, cases and matters shall be proceeded with in the proper state courts.

SEC. 16. Upon a change from a territorial to a state government, and until otherwise provided by law, the great seal of the territory shall be deemed and taken to be the great seal of the state of Montana.

SEC. 17. All territorial, county and township officers now occupying their respective positions under the laws of the territory of Montana, or of the United States of America, shall continue and remain in their respective official positions and perform the duties thereof as now provided by law after the state is admitted into the union, and shall be considered state officers until their successors in office shall be duly elected and qualified, as provided by ordinance, notwithstanding any inconsistent provisions in this constitution, and shall be entitled to the same compensation for their services as is now established by law; Provided, That the compensation for justices of the supreme court, governor and secretary of the territory shall be paid by the state of Montana.

Done in open convention at the city of Helena, in the territory of Montana, this seventeenth day of August, in the year of our Lord one thousand eight hundred and eighty-nine.

WILLIAM A. CLARK, *President.*

CONSTITUTION OF NEBRASKA—1875.*

We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the constitution of the State of Nebraska.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. All persons are by nature free and independent, and have cer tain inherent and inalienable rights: among these are life, liberty and the pur suit of happiness. To secure these rights, and the protection of property, gov ernments are instituted among people, deriving their just powers from the con sent of the governed.

SEC. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for punishment of crime, whereof the party shall have been duly convicted.

SEC. 3. No person shall be deprived of life, liberty, or property, without due process of law.

SEC. 4. All persons have a natural and indefeasible right to worship Al mighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect or support any place of worship against his con sent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. No religious tes shall be required as a qualification for office, nor shall any person be incom petent to be a witness on account of his religious belief; but nothing hereb shall be construed to dispense with oaths and affirmations. Religion, morality and knowledge, however, being essential to good government, it shall be th duty of the legislature to pass suitable laws to protect every religious denomin ation in the peaceable enjoyment of its own mode of public worship, and t encourage schools and the means of instruction.

SEC. 5. Every person may freely speak, write and publish on all subjects being responsible for the abuse of that liberty; and in all trials for libel, bot civil and criminal, the truth when published with good motives, and for just fiable ends, shall be a sufficient defense.

SEC. 6. The right of trial by jury shall remain inviolate, but the legis lature may authorize trial by a jury of a less number than twelve men i courts inferior to the district court.

SEC. 7. The right of the people to be secure in their persons, houses, paper and effects against unreasonable searches and seizures shall not be violated and no warrant shall issue but upon probable cause, supported by oath o affirmation, and particularly describing the place to be searched, and the perso or thing to be seized.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it, and the only in such manner as shall be prescribed by law.

SEC. 9. All persons shall be bailable by sufficient sureties, except for treaso and murder, where the proof is evident or the presumption great. Excessi bail shall not be required, nor excessive fines imposed, nor cruel and unusu punishment inflicted.

SEC. 10. No person shall be held to answer for a criminal offense, exce in cases in which the punishment is by fine, or imprisonment otherwise tha

* The convention which framed the constitution of Nebraska assembled at Linco on May 11 and adjourned on June 12, 1875. The constitution as a whole, the propos tion of allowing electors to express their preference for United States senators, and t question of the location of the seat of government were submitted to the electors o October 12, 1875, and were ratified by the voters, the constitution as a whole by a vo of 30,332 to 5,474. The constitution became effective on November 1, 1875.

in the penitentiary in case of impeachment, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, unless on a presentment or indictment of a grand jury; Provided, that the legislature may by law provide for holding persons to answer for criminal offenses on information of a public prosecutor; and may by law, abolish, limit, change, amend or otherwise regulate the grand jury system.

SEC. 11. In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel, to demand the nature and cause of accusation, and to have a copy thereof; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 12. No person shall be compelled, in any criminal case, to give evidence against himself, or be twice put in jeopardy for the same offense.

SEC. 13. All courts shall be open, and every person, for any injury done him in his lands, goods, person, or reputation, shall have a remedy by due course of law, and justice administered without denial or delay.

SEC. 14. Treason against the state shall consist only in levying war against the state, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 15. All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the state.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, or making any irrevocable grant of special privileges or immunities shall be passed.

SEC. 17. The military shall be in strict subordination to the civil power.

SEC. 18. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war except in the manner prescribed by law.

SEC. 19. The right of the people peaceably to assemble to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

SEC. 20. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud.

SEC. 21. The property of no person shall be taken or damaged for public use without just compensation therefor.

SEC. 22. All elections shall be free; and there shall be no hindrance or impediment to the right of a qualified voter to exercise the elective franchise.

SEC. 23. The writ of error shall be a writ of right in all cases of felony; and in capital cases shall operate as a supersedeas to stay the execution of the sentence of death, until the further order of the supreme court in the premises.

SEC. 24. The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.

SEC. 25. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property.

SEC. 26. This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people.

ARTICLE II.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this state are divided into three distinct departments, the legislative, executive and judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except, as hereinafter expressly directed or permitted.

ARTICLE III.

LEGISLATIVE.

SECTION 1. The legislative authority of the state shall be vested in a legislature consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws, and amendments to the constitution, and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the legislature.[1]

SEC. 1A. The first power reserved by the people is the initiative. Ten per cent of the legal voters of the state, so distributed as to include five per cent of the legal voters in each of two-fifths of the counties of the state, may propose any measure by petition, which shall contain the full text of the measure so proposed. Provided, that proposed Constitutional Amendments shall require a petition of fifteen per cent of the legal voters of the state distributed as above provided. Initiative petitions (except for municipal and wholly local legislation) shall be filed with the Secretary of State and be by him submitted to the voters at the first regular state election held not less than four months after such filing. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition (either affirmatively or negatively) oftener than once in three years. If conflicting measures submitted to the people at the same election shall be approved the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The Constitutional limitations as to scope and subject matter of statutes enacted by the legislature shall apply to those enacted by the initiative.

SEC. 1B. The second power reserved is the referendum. It may be ordered by a petition of ten per cent of the legal voters of the state, distributed as required for initiative petitions. Referendum petitions against measures passed by the legislature shall be filed with the Secretary of State within ninety days after the legislature enacting the same adjourns sine die or for a period longer than ninety days; and elections thereon shall be had at the first regular state election held not less than thirty days after such filing.

SEC. 1C. The referendum may be ordered upon any act except acts making appropriations for the expenses of the state government, and state institutions existing at the time such act is passed. When the referendum is ordered upon an act or any part thereof it shall suspend its operation until the same is approved by the voters, provided, that emergency acts, or acts for the immediate preservation of the public peace, health, or safety shall continue in effect until rejected by the voters or repealed by the legislature. Filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of the measure from becoming operative.

SEC. 1D. Nothing in this section shall be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of votes cast for governor at the regular election last preceding the filing of any initiative or referendum petition shall be the basis on which the number of legal voters required to sign such petition shall be computed. The veto power of the governor shall not extend to measures initiated by or referred to the people. All such measures shall become the law or a part of the constitution when approved by a majority of the votes cast thereon, provided, the votes cast in favor of said initiative measure or part of said Constitution shall constitute thirty-five per cent (35%) of the total vote cast at said election, and not otherwise, and shall take effect upon proclamation by the governor, which shall be made within ten days of the completion of the official canvass. The vote upon initiative and referendum measures shall be returned and canvassed in the same manner as is prescribed in the case of presidential electors. The method of submitting and adopting amendments to the constitution provided by this section shall be supplementary to the method prescribed in the article of this

[1] Amendment proposed by the legislature of 1911 and ratified at the election of November 5, 1912.

constitution, entitled 'Amendments' and the latter shall in no case be construed to conflict herewith. This amendment shall be self-executing, but legislation may be enacted especially to facilitate its operation. In submitting petitions and orders for the initiative and the referendum, the Secretary of State and all other officers shall be guided by this amendment and the general laws until additional legislation shall be especially provided therefor; all propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization, and provided further that only the title of measures shall be printed on the ballot and, when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and including the name of the first petitioner.[2]

SEC. 2. The Legislature shall provide by law for an enumeration of the inhabitants of the state in the year eighteen hundred and eighty-five and every ten years thereafter, and at its first regular session after each enumeration, and also after each enumeration made by the authority of the United States, but at no other time, the Legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed, and Soldiers and Officers of the United States army and navy.

SEC. 3. The House of Representatives shall consist of eighty-four members and the senate shall consist of thirty members, until the year eighteen hundred and eighty after which time the number of members of each House shall be regulated by law; But the number of Representatives shall never exceed one hundred, nor that of Senators, thirty-three. The sessions of the legislature shall be biennial, except as otherwise provided in this constitution.

SEC. 4. At the first election of members of the legislature held after the adoption of this amendment members of the senate and House of Representatives, shall be elected for the term of two years. Both senators and representatives shall each receive pay at the rate of six hundred dollars for each regular session of the Legislature, during their term, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the legislature, on the most usual route. That neither members of the legislature nor employes shall receive any pay or perquisites other than their salary and mileage. Each session, except special session, shall not be less than sixty days. After the expiration of twenty days of the session, no bills nor joint resolutions of the nature of bills shall be introduced, unless the governor shall by special message call the attention of the legislature to the necessity of passing a law on the subject-matter embraced in the message, and the introduction of bills shall be restricted thereto. Provided, that the general appropriation bills may be introduced up to and including the fortieth day.[3]

SEC. 5. No person shall be eligible to the office of Senator, or member of the House of Representatives, who shall not be an elector and have resided within the district from which he is elected for the term of one year next before his election, unless he shall have been absent on the public business of the United States or of this state. And no person elected as aforesaid shall hold his office after he shall have removed from such district.

SEC. 6. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature, but this provision shall not extend to precinct or township officers, Justices of the Peace, Notaries Public, or officers of the militia, nor shall any person interested in a contract with, or an unadjusted claim, against the State hold a seat in the Legislature.

SEC. 7. The session of the Legislature shall commence at 12 o'clock, (noon) on the first Tuesday in January in the year next ensuing the election of members thereof, and at no other time, unless as provided by this constitution. A

[2] Sections 1A, 1B, 1C and 1D are new sections; they were proposed by the legislature of 1911 and ratified at the election of November 5, 1912.

[3] Section 4 has been amended twice; the first amendment was proposed by the legislature of 1885 and ratified on November 2, 1886; the present amendment was proposed by the legislature of 1911 and ratified at the election of November 5, 1912.

majority of the members elected to each House shall constitute a quorum; each House shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, and the senate shall choose a temporary president, to preside when the Lieutenant Governor shall not attend as president, or shall act as Governor. The Secretary of State shall call the House of Representatives to order at the opening of each new Legislature, and preside over it until a temporary presiding officer thereof shall have been chosen, and shall have taken his seat. No member shall be expelled by either House, except by a vote of two-thirds of all the members elected to that House, and no member shall be twice expelled for the same offense. Each House may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the House by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.

SEC. 8. Each house shall keep a journal of its proceedings and publish them (except such parts as may require secrecy) and the yeas and nays of the members on any question, shall at the desire of any two of them be entered on the Journal. All votes in either House shall be viva voce. The doors of each House, and of Committee of the Whole, shall be open, unless when the business shall be such as ought to be kept secret. Neither House shall, without the consent of the other, adjourn for more than three days.

SEC. 9. Any bill may originate in either house of the Legislature, except bills appropriating money, which shall originate only in the House of Representatives, and all bills passed by one House may be amended by the other.

SEC. 10. The style of all bills shall be "Be it enacted by the people of the State of Nebraska," and no law shall be enacted except by bill. No bill shall be passed by the legislature unless by assent of a majority of all the members elected to each house of the legislature and the question upon final passage shall be taken immediately upon its last reading and the yeas and nays shall be entered upon the journal.[4]

SEC. 11. Every bill and concurrent resolution shall be read at large on three different days in each house and the bill and all amendments thereto shall be printed before the vote is taken upon its final passage. No bill shall contain more than one subject, and the same shall be clearly expressed in its title. And no law shall be amended unless the new act contain the section or sections so amended and the section or sections so amended shall be repealed. The presiding Officer of each House shall sign in the presence of the House over which he presides, while the same is in session and capable of transacting business, all bills and concurrent resolutions passed by the legislature.

SEC. 12. Members of the Legislature in all cases except treason, felony or breach of the peace, shall be privileged from arrest during the session of the legislature, and for fifteen days next before the commencement and after the termination thereof.

SEC. 13. No person elected to the Legislature shall receive any civil appointment within this State from the Governor and senate during the term for which he has been elected. And all such appointments and all votes given for any such member for any such office or appointment, shall be void. Nor shall any member of the Legislature, or any state officer be interested either directly or indirectly, in any contract with the state, county, or city, authorized by any law passed during the term for which he shall have been elected, or within one year after the expiration thereof.

SEC. 14. The Senate and House of Representatives in joint convention shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the entertainment of a resolution to impeach by either house, the other house shall at once be notified thereof and the two houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification. A notice of an impeachment o

[4] Amendment proposed by the legislature of 1911 and ratified at the election of November 5, 1912.

any officer other than a justice of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Secretary of the Senate, who shall thereupon call a session of the Supreme Court to meet at the Capital within ten days after such notice to try the impeachment. A notice of an impeachment of a Justice of the Supreme Court shall be served by the Secretary of the Senate, upon the judge of the judicial district, within which the Capital is located, and he thereupon shall notify all the judges of the District Court in the State to meet with him within thirty days at the Capital, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his official duties after he shall have been impeached and notified thereof, until he shall have been acquitted.

SEC. 15. The legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening, altering and working roads or highways.

Vacating roads, Town plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County and Township offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.

Providing for the election of Officers in Townships, incorporated Towns or Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, towns, precincts, school districts or other municipalities.

Providing for the management of Public Schools.

Regulating the interest on money.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual the right to lay down railroad tracks, or amending existing charters for such purpose. Granting to any corporation, association or individual any special or exclusive privileges, immunity, or franchise whatever. In all other cases where a general law can be made applicable, no special law shall be enacted.

SEC. 16. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor after the services shall have been rendered or the contract entered into. Nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 17. The Legislature shall never alienate the salt springs belonging to this state.

SEC. 18. Lands under control of the State shall never be donated to railroad companies, private corporations or individuals.

SEC. 19. Each Legislature shall make appropriations for the expenses of the Government until the expiration of the first fiscal quarter after the adjournment of the next regular session, and all appropriations shall end with such fiscal quarter. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to each House, and shall not exceed the amount of revenue authorized by law to be raised in such time. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

SEC. 20. All offices created by this Constitution shall become vacant by the death of the incumbent, by removal from the State, resignation, conviction of a felony, impeachment, or becoming of unsound mind. And the Legislature shall provide by general law for the filling of such vacancy, when no provision is made for that purpose in this constitution.

SEC. 21. The legislature shall not authorize any games of chance, lottery, or gift enterprise, under any pretense or for any purpose whatever.

SEC. 22. No allowance shall be made for the incidental expenses of any State officer, except the same be made by general appropriation and upon an account specifying each item. No money shall be drawn from the Treasury, except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued by the Auditor thereon, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever, either by joint or separate resolution. The Auditor shall, within sixty days after the adjournment of each session of the Legislature, prepare and publish a full statement of all moneys expended at such session, specifying the amount of each item, and to whom and for what paid.

SEC. 23. No member of the legislature shall be liable in any civil or criminal action whatever for words spoken in debate.

SEC. 24. No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, to be expressed in the preamble or body of the act, the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct. All laws shall be published in book form within sixty days after the adjournment of each session and distributed among the several counties in such manner as the legislature may provide.

ARTICLE IV.

LEGISLATIVE APPORTIONMENT.

Until otherwise provided by law, Senatorial and Representative districts shall be formed, and Senators and Representatives apportioned as follows:

SENATORIAL DISTRICTS.

District No. 1. Shall consist of the County of Richardson, and be entitled to two Senators.

District No. 2. Shall consist of the County of Nemaha, and be entitled to one Senator.

District No. 3. Shall consist of the county of Otoe, and be entitled to two Senators.

District No. 4. Shall consist of the County of Cass, and be entitled to one Senator.

District No. 5. Shall consist of the County of Douglas, and be entitled to two Senators.

District No. 6. Shall consist of the Counties of Douglas and Sarpy, and be entitled to one Senator.

District No. 7. Shall consist of the County of Washington, and be entitled to one Senator.

District No. 8. Shall consist of the County of Dodge, and be entitled to one Senator.

District No. 9. Shall consist of the County of Cuming, and be entitled to one Senator.

District No. 10. Shall consist of the Counties of Burt and Dakota, and be entitled to one Senator.

District No. 11. Shall consist of the Counties of Madison, Stanton, Wayne, Pierce, Antelope, and Boone, and be entitled to one Senator.

District No. 12. Shall consist of the Counties of Dixon, Cedar, Knox, Holt and the unorganized territory west of Holt, and be entitled to one Senator.

District No. 13. Shall consist of the Counties of Hall, Howard, Merrick, Greeley, and the unorganized territory north of Greeley, and be entitled to one Senator.

District No. 14. Shall consist of the Counties of Platte and Colfax, and be entitled to one Senator.

District No. 15. Shall consist of the Counties of Butler and Polk, and be entitled to one Senator.

District No. 16. Shall consist of the County of Saunders, and be entitled to one Senator.

District No. 17. Shall consist of the County of Lancaster, and be entitled to two Senators.

District No. 18. Shall consist of the Counties of Johnson and Pawnee, and be entitled to one Senator.

District No. 19. Shall consist of the Counties of Gage and Jefferson, and be entitled to one Senator.

District No. 20. Shall consist of the County of Saline, and be entitled to one Senator.

District No. 21. Shall consist of the County of Seward, and be entitled to one Senator.

District No. 22. Shall consist of the Counties of York and Hamilton, and be entitled to one Senator.

District No. 23. Shall consist of the Counties of Fillmore and Clay, and be entitled to one Senator.

District No. 24. Shall consist of the Counties of Adams, Webster, Nuckolls and Thayer, and be entitled to one Senator.

District No. 25. Shall consist of the Counties of Buffalo, Kearney, Franklin, Harlan, Phelps, Sherman, Valley, and the unorganized territory west of Sherman, Valley and Senatorial District No. thirteen, (13) and be entitled to one Senator.

District No. 26. Shall consist of the counties of Lincoln, Dawson, Gosper, Furnas, Red Willow, Frontier, Hitchcock, Dundy, Chase, Keith, Cheyenne, and the unorganized territory west of Frontier, and between Frontier and Chase, and be entitled to one Senator.

REPRESENTATIVE DISTRICTS.

District No. 1. Shall consist of the County of Richardson, and be entitled to four Representatives.

District No. 2. Shall consist of the County of Pawnee, and be entitled to two Representatives.

District No. 3. Shall consist of the County of Gage, and be entitled to two Representatives.

District No. 4. Shall consist of the County of Johnson, and be entitled to two Representatives.

District No. 5. Shall consist of the County of Nemaha, and be entitled to three Representatives.

District No. 6. Shall consist of the County of Otoe, and be entitled to four Representatives.

District No. 7. Shall consist of the County of Lancaster, and be entitled to four Representatives.

District No. 8. Shall consist of the County of Saunders, and be entitled to three Representatives.

District No. 9. Shall consist of the County of Cass, and be entitled to three Representatives.

District No. 10. Shall consist of the County of Sarpy, and be entitled to one Representative.

District No. 11. Shall consist of the County of Douglas, and be entitled to eight representatives.

District No. 12. Shall consist of the County of Dodge, and be entitled to two Representatives.

District No. 13. Shall consist of the County of Washington, and be entitled to two Representatives.

District No. 14. Shall consist of the County of Burt, and be entitled to one Representative.

District No. 15. Shall consist of the County of Cuming, and be entitled to two Representatives.

District No. 16. Shall consist of the County of Dakota, and be entitled to one Representative.

District No. 17. Shall consist of the County of Dixon, and be entitled to one Representative.

District No. 18. Shall consist of the County of Jefferson, and be entitled to one Representative.

District No. 19. Shall consist of the County of Thayer, and be entitled to one Representative.

District No. 20. Shall consist of the County of Nuckolls, and be entitled to one Representative.

District No. 21. Shall consist of the County of Webster, and be entitled to one Representative.

District No. 22. Shall consist of the County of Adams, and be entitled to one Representative.

District No. 23. Shall consist of the County of Clay, and be entitled to one Representative.

District No. 24. Shall consist of the County of Fillmore, and be entitled to one Representative.

District No. 25. Shall consist of the County of Saline, and be entitled to three Representatives.

District No. 26. Shall consist of the County of Seward, and be entitled to two Representatives.

District No. 27. Shall consist of the County of York, and be entitled to two Representatives.

District No. 28. Shall consist of the County of Hamilton, and be entitled to one Representative.

District No. 29. Shall consist of the County of Hall, and be entitled to one Representative.

District No. 30. Shall consist of the County of Buffalo, and be entitled to one Representative.

District No. 31. Shall consist of the County of Lincoln, and be entitled to one Representative.

District No. 32. Shall consist of the County of Harlan, and be entitled to one Representative.

District No. 33. Shall consist of the Counties of Howard and Greeley, and be entitled to one Representative.

District No. 34. Shall consist of the County of Merrick, and be entitled to one Representative.

District No. 35. Shall consist of the County of Polk, and be entitled to one Representative.

District No. 36. Shall consist of the County of Butler, and be entitled to one Representative.

District No. 37. Shall consist of the County of Colfax, and be entitled to one Representative.

District No. 38. Shall consist of the County of Platte, and be entitled to one Representative.

District No. 39. Shall consist of the County of Madison, and be entitled to one Representative.

District No. 40. Shall consist of the County of Cedar, and be entitled to one Representative.

District No. 41. Shall consist of the Counties of Burt and Dodge, and be entitled to one Representative.

District No. 42. Shall consist of the Counties of Stanton, Wayne and Pierce, and be entitled to one Representative.

District No. 43. Shall consist of the Counties of Knox, and Holt, and the unorganized territory west of Holt, and be entitled to one Representative.

District No. 44. Shall consist of the County of Antelope, and be entitled to one Representative.

District No. 45. Shall consist of the Counties of Boone, Valley, Sherman, and the unorganized territory west of Sherman and Valley counties, and west of the thirteenth Senatorial District, and be entitled to one Representative.

District No. 46. Shall consist of the Counties of Dawson and Frontier, and be entitled to one Representative.

District No. 47. Shall consist of the Counties of Franklin and Kearney, and be entitled to one Representative.

District No. 48. Shall consist of the Counties of Furnas, Phelps and Gosper, and be entitled to one Representative.

District No. 49. Shall consist of the Counties of Cheyenne, Keith, Dundy, Chase, Hitchcock, Red Willow, and the unorganized territory north of the County of Hitchcock, and be entitled to one Representative.

District No. 50. Shall consist of the Counties of Cass and Saunders, and be entitled to one Representative.

District No. 51. Shall consist of the Counties of Platte, Colfax and Butler, and be entitled to one Representative.

District No. 52. Shall consist of the Counties of Fillmore and Clay, and be entitled to one Representative.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, and Commissioner of Public Lands and Buildings, who shall each hold his office for the term of two years from the first Thursday and the first Tuesday in January next after his election, and until his successor is elected and qualified: Provided, however, that the first election of said officers shall be held on the Tuesday succeeding the first Monday in November, 1876, and each succeeding election shall be held at the same relative time in each even year thereafter. The Governor, Secretary of State, auditor of public accounts, and treasurer shall reside at the seat of government during their terms of office, and keep the public records, books and papers there, and shall perform such duties as may be required by law.

SEC. 2. No person shall be eligible to the office of governor or lieutenant governor who shall not have attained the age of thirty years, and been for two years next preceding his election a citizen of the United States and of this State. None of the officers of the executive department shall be eligible to any other state office during the period for which they shall have been elected.

SEC. 3. The treasurer shall be ineligible to the office of treasurer, for two years next after the expiration of two consecutive terms for which he was elected.

SEC. 4. The returns of every election for the officers of the executive department shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the speaker of the House of Representatives, who shall immediately after the organization of the house, and before proceeding to other business, open and publish the same in the presence of a majority of each house of the legislature, who shall, for that purpose assemble in the hall of the house of representatives. The person having the highest number of votes for either of said offices shall be declared duly elected; but if two or more have an equal and the highest number of votes, the legislature shall, by joint vote, choose one of such persons for said office. Contested elections for

all of said offices shall be determined by both houses of the legislature, by joint vote, in such manner as may be prescribed by law.

SEC. 5. All civil officers of this State shall be liable to impeachment for any misdemeanor in office.

SEC. 6. The supreme executive power shall be vested in the governor, who shall take care that the laws be faithfully executed.

SEC. 7. The governor shall, at the commencement of each session, and at the close of his term of office, and whenever the legislature may require, give to the legislature information by message of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall account to the legislature, and accompany his message with a statement of all moneys received and paid out by him, from any funds subject to his order, with vouchers, and, at the commencement of each regular session, present estimates of the amount of money required to be raised by taxation for all purposes.

SEC. 8. The governor may, on extraordinary occasions, convene the legislature by proclamation, stating therein the purpose for which they are convened, and the legislature shall enter upon no business except that for which they were called together.

SEC. 9. In case of a disagreement between the two houses with respect to the time of adjournment, the governor may on the same being certified to him by the house first moving the adjournment, adjourn the legislature to such time as he thinks proper not beyond the first day of the next regular session.

SEC. 10. The governor shall nominate and by and with the advice and consent of the senate, (expressed by a majority of all senators elected, voting by yeas and nays), appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointment, or election is not otherwise by law or herein provided for; and no such officer shall be appointed or elected by the legislature.

SEC. 11. In case of a vacancy during the recess of the senate, in any office which is not elective, the governor shall make a temporary appointment until the next meeting of the senate, when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the senate, (a majority of all the senators elected concurring by voting yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person after being rejected by the senate, shall be again nominated for the same office at the same session, unless at request of the senate, or be appointed to the same office during the recess of the legislature.

SEC. 12. The governor shall have power to remove any officer, whom he may appoint, in case of incompetency, neglect of duty, or malfeasance in office, and he may declare his office vacant, and fill the same as herein provided in other cases of vacancy.

SEC. 13. The governor shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason, and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case can be reported to the legislature at its next session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature, at every regular session, each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the reprieve, commutation or pardon.

SEC. 14. The governor shall be commander-in-chief of the military and naval forces of the State (except when they shall be called into the service of the United States) and may call out the same to execute the laws, suppress insurrection and repel invasion.

SEC. 15. Every bill passed by the legislature, before it becomes a law, and every order, resolution or vote to which the concurrence of both houses may be necessary (except on questions of adjournment) shall be presented to the

vernor. If he approves he shall sign it, and thereupon it shall become a law, t if he do not approve, he shall return it with his objections to the house which it shall have originated, which house shall enter the objections at large on its journal, and proceed to reconsider the bill. If then three-fifths of the mbers elected agree to pass the same, it shall be sent, together with the jections, to the other house, by which it shall likewise be reconsidered; and approved by three-fifths of the members elected to that house, it shall become law, notwithstanding the objections of the governor. In all such cases the te of each house shall be determined by yeas and nays, to be entered upon e journal. Any bill which shall not be returned by the governor within five ys (Sundays excepted) after it shall have been presented to him, shall be me a law in like manner as if he had signed it; unless the legislature by eir adjournment prevent its return, in which case it shall be filed, with his jections, in the office of the Secretary of State within five days after such journment, or become a law. The governor may disapprove any item or items appropriation contained in bills passed by the legislature, and the item or ms so disapproved shall be stricken therefrom, unless repassed in the manner rein prescribed in cases of disapproval of bills.

SEC. 16. In case of the death, impeachment and notice thereof to the cused, failure to qualify, resignation, absence from the state, or other disility of the governor, the powers, duties and emoluments of the office for the sidue of the term, or until the disability shall be removed, shall devolve upon e lieutenant governor.

SEC. 17. The lieutenant governor shall be president of the senate, and shall e only when the senate is equally divided.

SEC. 18. If there be no lieutenant governor, or if the lieutenant governor any of the causes specified in section sixteen of this article, become incape of performing the duties of the office, the president of the senate shall act governor until the vacancy is filled, or the disability removed; and if the sident of the senate, for any of the above named causes, shall become incape of performing the duties of governor, the same shall devolve upon nker of the house of representatives.

SEC. 19. The governor shall, prior to the adjournment of the thirty-third sion of the legislature, nominate and, with the consent of two-thirds of the mbers of the Senate in Executive Session, appoint three electors of the state, more than two of whom shall belong to the same political party and no of whom shall reside at the time of their appointment in the same conssional district, as members of a board to be known as a "Board of Comssioners of State Institutions." Said members shall hold office as designated the Governor for two, four and six years respectively. Subsequent appointnts shall be made as provided and, except to fill vacancies, shall be for a iod of six years. The Board shall at all times be subject to the above rections and limitations. The Board of Commissioners shall have full power manage, control and govern, subject only to such limitations as shall be ablished by law, the State Soldiers' Home, Hospitals for the Insane, Insti- for the Deaf, Institute for the Blind, Industrial Schools, Institute for ble Minded Children, Nebraska Industrial Home, Orthopedic Hospital, the te Penitentiary, and all charitable, reformatory and penal institutions that ll be by law established and maintained by the state of Nebraska. They ll each give bonds, receive compensation for service, perform all duties and ply with all regulations that shall be established by law. The powers posed by the Governor and Board of Public Lands and Buildings with refer- to the management and control of the institutions herein named shall, on 1, 1913, cease to exist in the Governor and the Board of Public Lands Buildings and shall become vested in a Board of Commissioners of State itutions, and the said Board is on July 1, 1913, and without further process aw, authorized and directed to assume and exercise all the powers hereto- vested in or exercised by the Governor or Board of Public Lands and dings with reference to the institutions of the state named herein, but noth- herein contained shall limit the general supervisory or examining powers

vested in the Governor by the laws or constitution of the state, or such as a vested by him in any committee appointed by him.[5]

SEC. 19A. There shall be a State Railway Commission, consisting of thr members, who shall be first elected at the general election in 1906, whose ter of office, except those chosen at the first election under this provision, shall six years, and whose compensation shall be fixed by the Legislature. Of t three commissioners first elected, the one receiving the highest number of vot shall hold his office for six years, the next highest four years, and the low two years. The powers and duties of such commission shall include the re lation of rates, service and general control of common carriers as the legis ture may provide by law. But, in the absence of specific legislation, the co mission shall exercise the powers and perform the duties enumerated in t provision.[6]

SEC. 20. If the office of auditor of public accounts, treasurer, secretary state, attorney general, commissioner of public lands and buildings, or super tendent of public instruction, shall be vacated by death, resignation or oth wise, it shall be the duty of the governor to fill the same by appointment, a the appointee shall hold his office until his successor shall be elected and qua fied in such manner as may be provided by law.

SEC. 21. An account shall be kept by the officers of the executive depa ment and of all the public institutions of the state of all moneys received disbursed by them severally from all sources, and for every service perform and a semi annual report thereof be made to the governor under oath; a any officer who makes a false report shall be guilty of perjury and punish accordingly.

SEC. 22. The officers of the executive department and of all the pub institutions of the state shall at least ten days preceding each regular sess of the legislature severally report to the governor, who shall transmit su reports to the legislature together with the reports of the judges of the supre court of defects in the constitution and laws, and the governor or either ho of the legislature may at any time require information, in writing, under oa from the officers of the executive department, and all officers and managers state institutions, upon any subject relating to the condition, management a expenses of their respective offices.

SEC. 23. There shall be a seal of the state, which shall be called the "Gr Seal of the State of Nebraska," which shall be kept by the Secretary of St and used by him officially as directed by law.

SEC. 24. The salaries of the governor, auditor of public accounts and tre urer, shall be two thousand five hundred dollars each per annum, and of secretary of state, attorney general, superintendent of public instruction, a commissioner of public lands and buildings shall be two thousand dollars e per annum. The lieutenant governor shall receive twice the compensation a senator, and after the adoption of this constitution, they shall not receive their own use any fees, costs, interest upon public moneys in their hands, under their control, perquisites of office or other compensation, and all fees t may hereafter be payable by law for services performed by an officer provi for in this article of the constitution shall be paid in advance into the st treasury. There shall be no allowance for clerk hire in the offices of the su intendent of public instruction and attorney general.

SEC. 25. The officers mentioned in this article shall give bonds in not than double the amount of money that may come into their hands, and in case less than the sum of fifty thousand dollars, with such provisions as sureties and the approval thereof, and for the increase of the penalty of s bonds, as may be prescribed by law.

SEC. 26. No other executive state office shall be continued or created, the duties now devolving upon officers not provided for by this constitu shall be performed by the officers herein created.

[5] Amendment proposed by the legislature of 1911 and ratified at the election November 5, 1912.

[6] Section 19A is a new section; it was proposed by the legislature of 1905, rati at the election of November 6, 1906, and declared in force on November 26, 1906.

ARTICLE VI.

THE JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this state shall be vested in a supreme urt, district courts, county courts, justices of the peace, police magistrates, d in such other courts, inferior to the district courts as may be created by w for cities and incorporated towns.

SEC. 2. The supreme court shall consist of seven (7) judges; and a ma-rity of all [the] elected and qualified judges shall be necessary to constitute quorum or pronounce a decision. The Supreme Court shall have jurisdiction in cases relating to the revenue, civil cases in which the state is a party, man-mus, quo warranto, habeas corpus, and such appellate jurisdiction as may be ovided by law.[7]

SEC. 3. At least two terms of the supreme court shall be held each year, the seat of government.

SEC. 4. The judges of the Supreme Court shall be elected by the electors the state at large; and their term of office except as hereinafter provided all be six years. And said Supreme Court judges shall during their term office, reside at the place where the court is holden.[8]

SEC. 5. That at the general election to be held in the state of Nebraska the year 1916, and each six years thereafter, there shall be elected three (3) dges of the Supreme Court, who shall hold their office for the period of six) years: that at the general election to be held in the State of Nebraska in year 1918, and each six years thereafter there shall be elected three (3) dges of the Supreme Court, who shall hold their office for the period of six rs; and at the general election to be held in the State of Nebraska in the ar 1920 and each six (6) years thereafter there shall be elected a chief justice the Supreme Court, who shall hold his office for the period of six (6) years. ovided, That the member of the Supreme Court whose term of office expires January, 1914, shall be chief justice of the Supreme Court during that time ll the expiration of his term of office.[9]

SEC. 6. The Chief Justice shall serve as such during all the term for which was elected. He shall preside at all terms of the supreme court, and in his sence the judges present shall select one of their number to preside tem-arily.[10]

SEC. 7. No person shall be eligible to the office of judge of the supreme court

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[7] Amendment proposed by the legislature of 1907, ratified at the election of No-ber 3, 1908, and declared adopted by proclamations issued by the governor on vember 30, 1908, and January 16, 1909.

[8] Amendment proposed by the legislature of 1907, ratified at the election of Novem-3, 1908, and declared adopted by proclamations issued by the governor on Novem-30, 1908, and January 16, 1909.

[9] Section 5 has been amended twice; the first amendment was proposed by the gislature of 1907 and ratified at the election of November 3, 1908; the present amend-nt was proposed by the legislature of 1911 and ratified at the election of November 912. The text of the amendment of 1908 is as follows: SEC. 5. That at the gen-l election to be held in the state of Nebraska in the year 1909, and each six years reafter, there shall be elected three (3) judges of the Supreme Court, who shall hold ir office for the period of six years; that at the general election to be held in the te of Nebraska in the year 1911, and each six years thereafter, there shall be elected ee (3) judges of the Supreme Court, who shall hold their office for the period of years; and at the general election to be held in the state of Nebraska in the year 3 and each six years thereafter, there shall be elected a Chief Justice of the Supreme urt, who shall hold his office for the period of six years. Provided that the member the Supreme Court whose term of office expires in January, 1914, shall be Chief tice of the Supreme Court during that time until the expiration of his term of office. d provided further, that upon the adoption of these amendments by the electors of State, the Governor shall, immediately upon issuing his proclamation declaring amendments adopted, appoint four (4) judges of the Supreme Court, two (2) of om shall be appointed to hold said office until their successors shall be elected at general election in 1909, and have qualified; and the other two (2) shall hold their e until their successors shall be elected at the general election held in 1911, and e qualified.

[10] Amendment proposed by the legislature of 1907, ratified at the election of No-ber 3, 1908, and proclaimed ratified by proclamations issued by the governor on ember 30, 1908, and January 16, 1909.

unless he shall be at least thirty years of age, and a citizen of the Unit States; nor unless he shall have resided in this state at least three years n preceding his election.

SEC. 8. There shall be appointed by the supreme court a reporter, w shall also act as clerk of the supreme court, and librarian of the law and m cellaneous library of the state, whose term of office shall be four years, unl sooner removed by the court, whose salary shall be fixed by law, not to exc fifteen hundred dollars per annum. The copyright of the state reports sh forever belong to the state.

SEC. 9. The district courts shall have both chancery and common law j isdiction, and such other jurisdiction as the legislature may provide; and judges thereof may admit persons charged with felony to a plea of guilty a pass such sentence as may be prescribed by law.

SEC. 10. The state shall be divided into six judicial districts, in each which shall be elected, by the electors thereof, one judge who shall be judge the district court therein, and whose term of office shall be four years.

Until otherwise provided by law, said districts shall be as follows:

First District. The counties of Richardson, Johnson, Pawnee, Gage, Jeff son, Saline, Thayer, Clay, Nuckolls and Fillmore.

Second District. The counties of Nemaha, Otoe, Cass and Lancaster.

Third District. The counties of Douglas, Sarpy, Washington and Burt.

Fourth District. The counties of Saunders, Dodge, Butler, Colfax, Plat Polk, Merrick, Hamilton, York, Seward, Hall and Howard.

Fifth District. The counties of Buffalo, Adams, Webster, Franklin, Harl Kearney, Phelps, Gosper, Furnas, Hitchcock, Dundy, Chase, Cheyenne, Kei Lincoln, Dawson, Sherman, Red Willow, Frontier, and the unorganized territ west of said district.

Sixth District. The counties of Cuming, Dakota, Dixon, Cedar, Way Stanton, Madison, Boone, Pierce, Knox, Antelope, Holt, Greeley, Valley, a the unorganized territory west of said district.

SEC. 11. The legislature, whenever two thirds of the members elected each house, shall concur therein, may, in or after the year One thousand eig hundred and eighty, and not oftener than once in every four years, increase number of judges of the district courts, and the judicial districts of the st Such districts shall be formed of compact territory, and bounded by cou lines; and such increase, or any change in the boundaries of a district, sh not vacate the office of any judge.

SEC. 12. The judges of the district court may hold courts for each oth and shall do so when required by law.

SEC. 13. That judges of the Supreme Court shall each receive a salary $4,500, and the Judges of the District Court shall each receive a salary $3,000, per annum payable quarterly.[11]

SEC. 14. No judge of the supreme or district courts shall receive any oth compensation, perquisite, or benefits, for or on account of his office, in any fo whatsoever, nor act as attorney or counsellor at law in any manner whatev nor shall any salary be paid to any county judge.

SEC. 15. There shall be elected in and for each organized county one jud who shall be judge of the county court of such county, and whose term office shall be two years.

SEC. 16. County courts shall be courts of record, and shall have origi jurisdiction in all matters of probate, settlements of estates of deceased p sons, appointments of guardians, and settlement of their accounts; in all m ters relating to apprentices; and such other jurisdiction as may be given the general law. But they shall not have jurisdiction in criminal cases which the punishment may exceed six months imprisonment, or a fine of o five hundred dollars; nor in actions in which title to real estate is sought be recovered, or may be drawn in question; nor in actions on mortgages

[11] Amendment proposed by the legislature of 1907, ratified at the election November 3, 1908, and proclaimed ratified by proclamations issued by the governor November 30, 1908, and January 16, 1909.

contracts for the conveyance of real estate; nor in civil actions where the debt or sum claimed shall exceed one thousand dollars.

SEC. 17. Appeals to the district court from the judgments of county courts shall be allowed in all criminal cases, on application of the defendant; and in all civil cases, on application of either party, and in such other cases as may be provided by law.

SEC. 18. Justices of the peace and police magistrates shall be elected in and for such districts, and have and exercise such jurisdiction as may be provided by law; provided, that no justice of the peace shall have jurisdiction in any civil case where the amount in controversy shall exceed two hundred dollars; nor in a criminal case where the punishment may exceed three months imprisonment, or a fine of over one hundred dollars; nor in any matter wherein the title or boundaries of land may be in dispute.

SEC. 19. All laws relating to courts shall be general, and of uniform operation; and the organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law and the force and effect of the proceedings, judgments and decrees of such courts, severally, shall be uniform.

SEC. 20. All officers provided for in this article shall hold their offices until their successors shall be qualified and they shall respectively reside in the district, county or precinct for which they shall be elected or appointed. The terms of office of all such officers, when not otherwise prescribed in this article, shall be two years. All officers, when not otherwise provided for in this article, shall perform such duties and receive such compensation as may be prescribed by law.

SEC. 21. In case the office of any judge of the supreme court, or of any district court, shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor shall be elected and qualified, and such a successor shall be elected for the unexpired term at the first general election that occurs more than thirty days after the vacancy shall have happened. Vacancies in all other elective offices provided for in this article shall be filled by election, but when the unexpired term does not exceed one year the vacancy may be filled by appointment, in such manner as the legislature may provide.

SEC. 22. The state may sue and be sued, and the legislature shall provide by law in what manner and in what courts suits shall be brought.

SEC. 23. The several judges of the courts of record shall have such jurisdiction at chambers as may be provided by law.

SEC. 24. All process shall run in the name of "The State of Nebraska," and all prosecutions shall be carried on in the name of "The State of Nebraska."

ARTICLE VII.

RIGHTS OF SUFFRAGE.

SECTION 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the state six months, and in the county, precinct, or ward for the term provided by law shall be an elector.

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States, on the subject of naturalization, at least thirty days prior to an election.

SEC. 2. No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the state or of the United States, unless restored to civil rights.

SEC. 3. Every elector in the actual military service of the United States or of this state, and not in the regular army, may exercise the right of suffrage in such place and under such regulations as may be provided by law.

SEC. 4. No soldier, seaman, or marine in the army and navy of the United States shall be deemed a resident of the state in consequence of being stationed therein.

SEC. 5. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war and public danger.

SEC. 6. All votes shall be by ballot.

ARTICLE VIII.

EDUCATION.

SECTION 1. The Governor, Secretary of State, Treasurer, Attorney General and Commissioner of Public Lands and Buildings shall, under the direction of the legislature constitute a board of commissioners, for the sale, leasing, and general management of all lands and funds set apart for educational purposes and for the investment of school funds, in such manner as may be prescribed by law.

SEC. 2. All lands, money or other property granted, or bequeathed, or in any manner conveyed to this state for educational purposes, shall be used and expended in accordance with the terms of such grant, bequest, or conveyance.

SEC. 3. The following are hereby declared to be perpetual funds for common school purposes of which the annual interest or income only can be appropriated, to-wit:

First. Such per centum as has been, or may hereafter be, granted by congress on the sale of lands in this State.

Second. All moneys arising from the sale or leasing of sections number sixteen and thirty-six in each township in this state, and the lands selected, or that may be selected, in lieu thereof.

Third. The proceeds of all lands that have been, or may hereafter be granted to this state, where by the terms and conditions of such grant the same are not to be otherwise appropriated.

Fourth. The net proceeds of lands and other property and effects that may come to this state, by escheat or forfeiture, or from unclaimed dividends or distributive shares of the estates of deceased persons.

Fifth. All moneys, stocks, bonds, lands, and other property, now belonging to the common school fund.

SEC. 4. All other grants, gifts and devises, that have been, or may hereafter be, made to this state, and not otherwise appropriated by the terms of the grant, gift, or devise, the interest arising from all the funds mentioned in the preceding section, together with all the rents of the unsold school lands and such other means as the legislature may provide, shall be exclusively applied to the support and maintenance of common schools in each district in the state.

SEC. 5. All fines, penalties, and license moneys, arising under the general laws of the state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties and license moneys arising under the rules, by-laws, or ordinances of cities, villages, town precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license moneys shall be appropriated exclusively to the use and support of the common schools in the respective sub-divisions where the same may accrue.

SEC. 6. The legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty one years.

SEC. 7. Provision shall be made by general law for an equitable distribution of the income of the fund set apart for the support of the common schools among the several school districts of the state and no appropriation shall be made from said fund to any district for the year in which school is not maintained at least three months.

SEC. 8. University, agricultural college, common school or other lands which are now held or may hereafter be acquired by the state for education purposes, shall not be sold for less than seven dollars per acre, nor less than the appraised value.

SEC. 9. All funds belonging to the state for educational purposes, the interest and income whereof only are to be used, shall be deemed trust funds held by the state, and the state shall supply all losses thereof, that may in any manner accrue, so that the same shall remain forever inviolate and undiminished; and shall not be invested or loaned except on United States or State securities, or registered county bonds of this state, or registered school district bonds of this state; and such other securities as the legislature may from time to time direct. And such funds with the interest and income thereof, are hereby solemnly pledged to the purposes for which they are granted and set apart, and shall not be transferred to any other fund for other uses.[12]

SEC. 10. The general government of the University of Nebraska shall, under direction of the legislature, be vested in a board of six regents to be styled the Board of Regents of the University of Nebraska, who shall be elected by the electors of the state at large, and their term of office, except those chosen at the first election as hereinafter provided, shall be six years. Their duties and powers shall be prescribed by law; and they shall receive no compensation, but may be reimbursed their actual expenses incurred in the discharge of their duties.

SEC. 11. No sectarian instruction shall by allowed in any school or institution supported in whole or in part by the public funds set apart for educational purposes; nor shall the state accept any grant, conveyance, or bequest of money, lands or other property to be used for sectarian purposes.

SEC. 12. The legislature may provide by law for the establishment of a school or schools for the safe keeping, education, employment and reformation of all children under the age of sixteen years, who for want of proper parental care, or other cause, are growing up in mendicancy or crime.

ARTICLE IX.

REVENUE AND FINANCE.

SECTION 1. The Legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property and franchises. The value to be ascertained in such manner as the Legislature shall direct, and it shall have power to tax peddlers, auctioneers, brokers, hawkers, commission merchants, showmen, jugglers, inn-keepers, liquor-dealers, toll-bridges, ferries, insurance, telegraph and express interests or business, venders of patents, in such manner as it shall direct by general law, uniform as to the class upon which it operates.

SEC. 2. The property of the state, counties, and municipal corporations, both real and personal shall be exempt from taxation, and such other property as may be used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, may be exempted from taxation, but such exemptions shall be only by general law. In the assessment of real estate incumbered by public easement, any depreciation occasioned by such easement may be deducted in the valuation of such property. The legislature may provide that the increased value of lands, by reason of live fences, fruit and forest trees grown and cultivated thereon, shall not be taken into account in the assessment thereof.

SEC. 3. The right of redemption from all sales of real estate, for nonpayment of taxes or special assessments of any character whatever, shall exist in favor of owners and persons interested in such real estate, for a period of not less than two years from such sales thereof. Provided, that occupants shall in all cases be served with personal notice before the time of redemption expires.

SEC. 4. The Legislature shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corpora-

[12] Amendment proposed by the legislature of 1907 and ratified at the election of November 3, 1908.

tion, nor shall commutation for such taxes be authorized in any form wha ever.

SEC. 5. County authorities shall never assess taxes the aggregate of whi shall exceed one and a half dollars per one hundred dollars valuation, exce for the payment of indebtedness existing at the adoption of this constitutio unless authorized by a vote of the people of the county.

SEC. 6. The Legislature may vest the corporate authorities of cities, tow and villages, with power to make local improvements by special assessmen or by special taxation of property, benefited. For all other corporate purpos all municipal corporations may be vested with authority to assess and coll taxes, but such taxes shall be uniform in respect to persons and proper within the jurisdiction of the body imposing the same.

SEC. 7. Private property shall not be liable to be taken or sold for t payment of the corporate debts of municipal corporations. The Legislatu shall not impose taxes upon municipal corporations, or the inhabitants or pr erty thereof, for corporate purposes.

SEC. 8. The Legislature at its first session shall provide by law for t funding of all outstanding warrants, and other indebtedness of the state, a rate of interest not exceeding eight per cent per annum.

SEC. 9. The Legislature shall provide by law that all claims upon t treasury, shall be examined and adjusted by the auditor and approved by t secretary of state, before any warrant for the amount allowed shall be drav Provided, that a party aggrieved by the decision of the auditor and secreta of state may appeal to district court.

ARTICLE X.

COUNTIES.

SECTION 1. No new county shall be formed or established by the legis ture which will reduce the county or counties, or either of them to a less a than four hundred square miles, nor shall any County be formed of a l area.

SEC. 2. No county shall be divided, or have any part stricken therefro without first submitting the question to a vote of the people of the coun nor unless a majority of all the legal voters of the County voting on the qu tion shall vote for the same.

SEC. 3. There shall be no territory stricken from any organized coun unless a majority of the voters living in such territory shall petition for su division, and no territory shall be added to any organized county without consent of the majority of the voters of the county to which it is propos to be added; but the portion so stricken off and added to another county, formed in whole or in part into a new county, shall be holden for and obli to pay its proportion of the indebtedness of the counties from which it been taken.

SEC. 4. The legislature shall provide by law for the election of su county and township officers as may be necessary.

SEC. 5. The legislature shall provide by general law for township orga zation, under which any county may organize whenever a majority of legal voters of such county voting at any general election shall so determi and in any county that shall have adopted a township organization the qu tion of continuing the same may be submitted to a vote of the electors such county at a general election in the manner that shall be provided law.

ARTICLE XI.

RAILROAD CORPORATIONS.

SECTION 1. Every railroad corporation organized or doing business in t state, under the laws or authority thereof, or of any other state, or of United States, shall have and maintain a public office or place in this st for the transaction of its business, where transfers of stock shall be ma and in which shall be kept, for public inspection, books in which shall

corded the amount of capital stock subscribed, and by whom, the names of the
ners of the stock, and the amount owned by them respectively, the amount
stock paid in and by whom, the transfers of said stock, the amount of its
sets and liabilities, and the names and places of residence of its officers. The
rectors of every railroad corporation or other parties having control of its
ad, shall annually make a report, under oath, to the auditor of public ac-
unts, or some officer to be designated by law, of the amount received from
ssengers and freight, and such other matters relating to railroads as may
prescribed by law. And the legislature shall pass laws enforcing by suitable
nalties the provisions of this section.

SEC. 2. The rolling stock and all other movable property belonging to any
ilroad company or corporation in this state, shall be liable to execution and
le in the same manner as the personal property of individuals, and the legis-
ture shall pass no law exempting any such property from execution and
le.

SEC. 3. No railroad corporation, or telegraph company, shall consolidate its
ock, property, franchises, or earnings in whole or in part, with any other
ilroad corporation or telegraph company owning a parallel or competing
e; and in no case shall any consolidation take place except upon public
tice of at least sixty days, to all stockholders, in such manner as may be
ovided by law.

SEC. 4. Railways heretofore constructed, or that may hereafter be con-
ucted, in this state are hereby declared public highways, and shall be
e to all persons for the transportation of their persons and property
reon, under such regulations as may be prescribed by law. And the legis-
ure may from time to time pass laws establishing reasonable maximum
es of charges for the transportation of passengers and freight on the dif-
ent railroads in this state. The liability of railroad corporations as com-
n carriers shall never be limited.

SEC. 5. No railroad corporation shall issue any stock or bonds, except for
ney, labor or property actually received and applied to the purposes for
ich such corporation was created; and all stock, dividends, and other ficti-
us increase of the capital stock or indebtedness of any such corpora-
n shall be void. The capital stock of railroad corporations shall not be
reased for any purpose, except after public notice for sixty days, in such
nner as may be provided by law.

SEC. 6. The exercise of the power and the right of eminent domain shall
er be so construed or abridged as to prevent the taking by the legislature,
the property and franchises of incorporated companies, already organized,
hereafter to be organized, and subjecting them to the public necessity the
e as of individuals.

SEC. 7. The legislature shall pass laws to correct abuses and prevent
ust discrimination and extortion in all charges of express, telegraph and
road companies in this state and enforce such laws by adequate penalties
the extent, if necessary for that purpose, of forfeiture of their property
franchises.

SEC. 8. No railroad corporation organized under the laws of any other
te, or of the United States and doing business in this state shall be entitled
exercise the right of eminent domain or have power to acquire the right
way, or real estate for depot or other uses, until it shall have become a
y corporate pursuant to and in accordance with the laws of this state.

ARTICLE XIa.[13]

MUNICIPAL CORPORATIONS.

SECTION 1. No city, county, town, precinct, municipality, or other sub-
sion of the state, shall ever become a subscriber to the capital stock, or
er of such stock, or any portion or interest therein of any railroad, or
ate corporation, or association.

[13] Given as Article XII in Code of 1911. In the original rolls none of the articles
numbered.

SEC. 2. Any city having a population of more than five thousand (5,0
inhabitants may frame a charter for its own government, consistent with
subject to the constitution and laws of this state, by causing a convent
of fifteen freeholders, who shall have been for at least five years, quali
electors thereof, to be elected by the qualified voters of said city at any gene
or special election, whose duty it shall be within four months after such e
tion, to prepare and propose a charter for such city, which charter, when c
pleted, with a prefatory synopsis, shall be signed by the officers and memb
of the convention, or a majority thereof, and delivered to the clerk of s
city, who shall publish the same in full, with his official certification, in
official paper of said city, if there be one, and if there be no official pa
then in at least one newspaper published and in general circulation in said c
three times, and a week apart, and within not less than thirty days after s
publication it shall be submitted to the qualified electors of said city at a gene
or special election, and if a majority of such qualified voters, voting there
shall ratify the same, it shall at the end of sixty days thereafter, become
charter of said city, and supersede any existing charter and all amendme
thereof. A duplicate certificate shall be made, setting forth the charter
posed and its ratification (together with the vote for and against) and d
certified by the City Clerk, and authenticated by the corporate seal of s
city and one copy thereof shall be filed with the secretary of state and
other deposited among the archives of the city, and shall thereupon bec
and be the charter of said city, and all amendments to such charter, shall
authenticated in the same manner, and filed with the secretary of state,
deposited in the archives of the city.

SEC. 3. But if said charter be rejected, then within six months th
after, the Mayor and council or governing authorities of said city may
a special election at which fifteen members of a new charter convention s
be elected to be called and held as above in such city, and they shall proc
as above to frame a charter which shall in like manner and to the like
be published and submitted to a vote of said voters for their approval
rejection. If again rejected, the procedure herein designated may be repea
until a charter is finally approved by a majority of those voting thereon,
certified (together with the vote for and against) to the secretary of s
as aforesaid, and a copy thereof deposited in the archives of the city, wh
upon it shall become the charter of said city. Members of each of
charter conventions shall be elected at large; and they shall complete t
labors within sixty days after their respective election. The charter shall n
proper provision for continuing, amending or repealing the ordinances of
city.

SEC. 4. Such charter so ratified and adopted may be amended, or a cha
convention called, by a proposal therefor made by the law-making body of
city or by the qualified electors in number not less than five per cent of
next preceding gubernatorial vote in such city, by petition filed with
council or governing authorities. The council or governing authorities s
submit the same to a vote of the qualified electors at the next general or
cial election not held within thirty days after such petition is filed. In sub
ting any such charter or charter amendments, any alternative article or sec
may be presented for the choice of the voters and may be voted on separ
without prejudice to others. Whenever the question of a charter conve
is carried by a majority of those voting thereon, a charter convention s
be called through a special election ordinance, and the same shall be
stituted and held and the proposed charter submitted to a vote of the qual
electors, approved or rejected, as provided in Section two hereof. The
Clerk of said city shall publish with his official certification, for three time
week apart in the official paper of said city, if there be one and if ther
no official paper, then in at least one newspaper, published and in general
culation in said city, the full text of any charter or charter amendment t
voted on at any general or special election.

No charter or charter amendment adopted under the provisions of this endment shall be amended or repealed except by electoral vote. And no charter or charter amendment shall diminish the tax rate for state purs fixed by act of the legislature, or interfere in any wise with the collec- of state taxes.[14]

ARTICLE XIb.[15]

MISCELLANEOUS CORPORATIONS.

SECTION 1. No corporation shall be created by special law, nor its charter ended, changed, or amended, except those for charitable, educational, penal, reformatory purposes, which are to be and remain under the patronage control of the state, but the legislature shall provide by general laws for organization of all corporations hereafter to be created. All general laws sed pursuant to this section may be altered from time to time, or repealed.

SEC. 2. No such general law shall be passed by the legislature granting right to construct and operate a street railroad within any city, town, or rporated village without first requiring the consent of a majority of the tors thereof.

SEC. 3. All corporations may sue and be sued in like cases as natural ons.

SEC. 4. In all cases of claims against corporations and joint stock asso- ions, the exact amount justly due shall be first ascertained, and after the orate property shall have been exhausted the original subscribers thereof l be individually liable to the extent of their unpaid subscription, and the ility for the unpaid subscription shall follow the stock.

SEC. 5. The Legislature shall provide by law that in all elections for ctors or managers of incorporated companies, every stockholder shall re] the right to vote in person or proxy, for the number of shares of stock ed by him, for as many persons as there are directors or managers to elected, or to cumulate said shares and give one candidate as many votes he number of directors multiplied by the number of his shares of stock, l equal, or to distribute them upon the same principle among as many lidates as he shall think fit, and such directors or managers shall not be ted in any other manner.

SEC. 6. All existing charters or grants of special or exclusive privileges, er which organization shall not have taken place, or which shall not be peration within sixty days from the time this constitution takes effect, l thereafter have no validity or effect whatever.

SEC. 7. Every stockholder in a banking corporation or institution shall individually responsible and liable to its creditors over and above the unt of stock by him held to an amount equal to his respective stock or es so held, for all its liabilities accruing while he remains such stock- der, and all banking corporations shall publish quarterly statements under of their assets and liabilities.

ARTICLE XII.[16]

STATE, COUNTY AND MUNICIPAL INDEBTEDNESS.

SECTION 1. The state may, to meet casual deficits, or failures in the enues, contract debts never to exceed in the aggregate one hundred thou- l dollars, and no greater indebtedness shall be incurred except for the pose of repelling invasion, suppressing insurrection, or defending the state ar, and provision shall be made for the payment of the interest annually, t shall accrue, by a tax levied for the purpose, or from other sources of

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[14] Sections 2, 3 and 4 are new sections; they were proposed by the legislature of and ratified at the election of November 5, 1912.
[15] Given as Article XIII in Code of 1911.
[16] Given as Article XIV in Code of 1911.

revenue, which law providing for the payment of such interest by such t shall be irrepealable until such debt be paid.

SEC. 2. No city, county, town, precinct, municipality, or other subdivisi of the state, shall ever make donations to any railroad, or other works internal improvement, unless a proposition so to do, shall have been fi submitted to the qualified electors thereof, at an election by authority of la Provided, that such donations of a county with the donations of such su divisions in the aggregate shall not exceed ten per cent of the assessed valu tion of such county. Provided further, that any city or county may, by two-thirds vote increase such indebtedness five per cent in addition to su ten per cent; and no bonds or evidences of indebtedness so issued shall valid, unless the same shall have endorsed thereon a certificate signed by t secretary and auditor of state, showing that the same is issued pursuant law.

SEC. 3. The credit of the state shall never be given or loaned in aid any individual, association, or corporation.

ARTICLE XIII.[17]

MILITIA.

SECTION 1. The legislature shall determine what persons shall constitu the militia of the state, and may provide for organizing and disciplining t same.

ARTICLE XIV.[18]

MISCELLANEOUS PROVISIONS.

SECTION 1. Executive and judicial officers and members of the legis ture, before they enter upon their official duties shall take and subscribe t following oath, or affirmation: "I do solemnly swear (or affirm) that will support the constitution of the United States, and the constitution of t State of Nebraska, and will faithfully discharge the duties of — — — according to the best of my ability, and that at the election at which I w chosen to fill said office, I have not improperly influenced in any way t vote of any elector, and have not accepted, nor will I accept or recei directly or indirectly, any money or other valuable thing from any corpo tion, company or person, or any promise of office, for any official act or fluence (for any vote I may give or withhold on any bill, resolution, appropriation)." Any such officer or member of the legislature who sh refuse to take the oath herein prescribed, shall forfeit his office, and a person who shall be convicted of having sworn falsely to, or of violating said oath shall forfeit his office, and thereafter be disqualified from holdi any office of profit or trust in this state unless he shall have been restor to civil rights.

SEC. 2. Any person who is in default as collector and custodian of pub money or property shall not be eligible to any office of trust or profit un the constitution or laws of this state; nor shall any person convicted of felo be eligible to office unless he shall have been restored to civil rights.

SEC. 3. Drunkenness shall be a cause of impeachment and removal fr office.

ARTICLE XV.[19]

AMENDMENTS.

SECTION 1. Either branch of the legislature may propose amendments this constitution, and if the same be agreed to by three-fifths of the memb elected to each house, such proposed amendments shall be entered on

[17] Given as Article XV in Code of 1911.
[18] Given as Article XVI in Code of 1911.
[19] Given as Article XVII in Code of 1911.

ournals, with the yeas and nays, and published once each week in at least ne newspaper in each county, where a newspaper is published, for three ionths immediately preceding the next election of senators and representa- ives, at which election the same shall be submitted to the electors for ap- roval or rejection, and if a majority of the electors voting at such election, dopt such amendments, the same shall become a part of this constitution. When more than one amendment is submitted at the same election they shall e so submitted as to enable the electors to vote on each amendment sepa- ately.

SEC. 2. When three-fifths of the members elected to each branch of the egislature deem it necessary to call a convention to revise, amend, or change his constitution, they shall recommend to the electors to vote at the next lection of members of the legislature, for or against a convention, and if a najority voting at said election vote for a convention, the legislature shall, t its next session, provide by law for calling the same. The convention shall onsist of as many members as the house of representatives, who shall be hosen in the same manner, and shall meet within three months after their lection, for the purpose aforesaid. No amendment or change of this con- titution, agreed upon by such convention, shall take effect until the same has een submitted to the electors of the state, and adopted by a majority of hose voting for and against the same.

ARTICLE XVI.[20]

SCHEDULE.

SECTION 1. That no inconvenience may arise from the revisions and hanges made in the constitution of this state, and to carry the same into ffect, it is hereby ordained and declared that all laws in force at the time f the adoption of this constitution, not inconsistent therewith, and all rights, ctions, prosecutions, claims and contracts of this state, individuals or bodies orporate, shall continue to be as valid as if this constitution had not been dopted.

SEC. 2. All fines, taxes, penalties and forfeitures owing to the State of ebraska, or to the people thereof, under the present Constitution and laws, hall inure to the use of the people of the State of Nebraska, under this onstitution.

SEC. 3. Recognizances, bonds, obligations, and all other instruments en- ered into or executed upon the adoption of this constitution, to the people f the State of Nebraska, to the State of Nebraska, to any state or county fficer, or public body, shall remain binding and valid, and rights and liabil- ies upon the same shall continue; and all crimes and misdemeanors shall e tried and punished as though no change had been made in the constitution f this state.

SEC. 4. All existing courts which are not in this constitution specifically numerated, and concerning which no other provision is herein made shall ontinue in existence and exercise their present jurisdiction until otherwise rovided by law.

SEC. 5. All persons now filling any office or appointment shall continue n the exercise of the duties thereof, according to their respective commis- ions, elections or appointments, unless by this constitution it is otherwise irected.

SEC. 6. The district attorneys now in office shall continue during their nexpired terms to hold and exercise the duties of their respective offices n the judicial districts herein created, in which they severally reside. In ach of the remaining districts, one such officer shall be elected at the first eneral election, and hold his office until the expiration of the terms of those ow in office.

SEC. 7. This constitution shall be submitted to the people of the state

[20] Given as Article XVIII in Code of 1911.

of Nebraska, for adoption or rejection, at an election to be held on the second Tuesday of October, 1875, and there shall be separately submitted at the same time, for adoption or rejection, the independent article relating to "Seat of Government" and the independent article, "allowing electors to express their preference for United States Senator."

SEC. 8. At said election the qualified electors shall vote at the usual places of voting, and the said election shall be conducted and the returns thereof made according to the laws now in force regulating general elections, except as herein otherwise provided.

SEC. 9. The Secretary of State shall, at least twenty days before said election, cause to be delivered to the county clerk of each county, blank poll books, tally lists, and forms of returns, and twice as many of properly prepared printed ballots for the said election as there are voters in such county the expense whereof shall be audited and paid as other public printing ordered by the secretary is by law required to be audited and paid; and the several county clerks shall, at least five days before said election, cause to be distributed to the judges of election in each election precinct in their respective counties, said blank poll books, tally lists, forms of return, and tickets.

SEC. 10. At the said election the ballots shall be of the following form:

For the New Constitution.

Against the New Constitution.

For the article relating to "Seat of Government."

Against article relating to "Seat of Government."

For the article "Allowing electors to express their preference for United States Senator."

Against the article "allowing electors to express their preference for United States Senator."

SEC. 11. The returns of the whole vote cast, and of the votes for the adotion or rejection of this Constitution, and for or against the articles respectively submitted, shall be made by the several county clerks to the secretary of state, within fourteen days after the election, and the returns of said votes shall, within three days thereafter, be examined and canvassed by the president of this Convention, the Secretary of State, and the governor or any two of them, and proclamation shall be made forthwith, by the governor or the president of this convention, of the result of the canvass.

SEC. 12. If it shall appear that a majority of the votes polled are For the "New Constitution" then so much of this new constitution as was not separately submitted to be voted on by articles shall be the supreme Law of the State of Nebraska on and after the first day of November A. D. 1875. But if it shall appear that a majority of the votes polled were "Against the New Constitution" the whole thereof, including the articles separately submitted, shall be null and void. If the votes "For the New Constitution" shall adopt the same and it shall appear that the majority of the votes polled are "For the Article relating to Seat of Government," said article shall be a part of the Constitution of this state. If the votes "For the New Constitution" shall adopt the same and it shall appear that a majority of the votes polled are "For the article Allowing electors to express their preference for United States Senator" said article shall be a part of the Constitution of this State.

SEC. 13. The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct and township officers, by the constitution or laws made elective by the people, except school district officers and municipal officers in cities, villages and towns, shall be elected at a general election to be held as aforesaid. Judges of the supreme, district and county courts, all elective county and precinct officers, and all other elective officers, the time for the election of whom is not herein otherwise provided for, and which are not included in the above exception, shall be elected on the Tuesday succeeding the first Monday in November, 1913, and thereafter at the general election next preceding the time of the termination of their

respective term of office. Provided, That no office shall be vacated thereby, but the incumbent thereof shall hold over until his successor is duly elected and qualified.[21]

SEC. 14. The terms of office of all State and County officers, of judges of the supreme, district and county courts, and regents of the University, shall begin on the first Thursday after the first Tuesday in January next succeeding their election, the present state and county officers, members of the legislature, and regents of the University, shall continue in office until their successors shall be elected and qualified.

SEC. 15. The supreme, district and County Courts established by this constitution shall be the successors respectively of the supreme Court, the district courts and the probate courts, having jurisdiction under the existing constitution.

SEC. 16. The supreme, district and probate courts now in existence shall continue, and the judges thereof shall exercise the power and retain their present jurisdiction until the Courts provided for by the Constitution shall be organized.

SEC. 17. All cases, matters and proceedings, pending undetermined in the several Courts, and all records, judgments, orders and decrees remaining therein are hereby transferred to and shall be proceeded in and enforced in and by the successors thereof respectively.

SEC. 18. If this Constitution be adopted, the existing constitution shall cease in all its provisions on the first day of November A. D. 1875.

SEC. 19. The provisions of this constitution required to be executed prior to the adoption or rejection thereof shall take effect and be in force immediately.

SEC. 20. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

SEC. 21. On the taking effect of this constitution all state officers hereby continued in office shall before proceeding, in the further discharge of their duties, take an oath or affirmation to support this constitution.

SEC. 22. The regents of the University shall be elected at the first general election under this constitution, and be classified by lot so that two shall hold their offices for the term of two years, two for the term of four years, and two for the term of six years.

SEC. 23. The present executive State officers shall continue in office until the executive State officers provided for in this constitution shall be elected and qualified.

SEC. 24. The returns of the whole vote cast for the judges of the supreme and district Courts, district attorneys and regents of the University, under the first general election, shall be made by the several county clerks to the Secretary of State within fourteen days after the election; and the returns of the said votes shall within three days thereafter be examined and canvassed by the governor, secretary of state and the president of this convention, or any two of them, and the certificates of election shall forthwith be issued by the Secretary of State to the persons found to be elected.

SEC. 25. The auditor shall draw the warrants of the state quarterly for the payment of the salaries of all officers under this Constitution, whose compensation is not otherwise provided for, which shall be paid out of any funds not otherwise appropriated.

SEC. 26. Until otherwise provided by law, the judges of district courts shall fix the time of holding courts in their respective districts.

SEC. 27. The members of the first legislature under this constitution shall be elected in the year 1876.

SEC. 28. This constitution shall be enrolled and deposited in the Office of the Secretary of State, and printed copies thereof shall be prefixed to the books containing the laws of the state, and all future editions thereof.

[21] Amendment proposed by the legislature of 1911 and ratified at the election of November 5, 1912.

ARTICLE XVII.

PROHIBITION.

SECTION 1. On and after May 1, 1917, the manufacture, the sale, the keeping for sale or barter, the sale or barter under any pretext of malt, spirituous, vinous or other intoxicating liquors, are forever prohibited in this state, except for medicinal, scientific, or mechanical, or sacramental purposes.[22]

PROPOSITIONS SEPARATELY SUBMITTED.

ALLOWING ELECTORS TO EXPRESS THEIR PREFERENCE FOR UNITED STATES SENATOR.

[ELECTION.] The legislature may provide that, at the general election immediately preceding the expiration of the term of a United States Senator from this State, the electors may by ballot express their preference for some person for the office of United States Senator. The votes cast for such candidates shall be canvassed and returned in the same manner as for state officers.

SEAT OF GOVERNMENT.

[RELOCATION.] The seat of government of the State shall not be removed or relocated without the assent of a majority of the electors of the state voting thereupon, at a general election or elections, under such rules and regulations as to the number of elections and manner of voting and places to be voted for, as may be prescribed by law. Provided the question of removal may be submitted at such other general elections as may be provided by law.

Done in Convention at the Capital in the city of Lincoln on the twelfth day of June in the year of our Lord one thousand eight hundred and seventy-five, and of the independence of the United States of America the ninety-ninth.

In witness whereof, we have hereunto subscribed our names.

Attest: JOHN LEE WEBSTER, *President.*

GUY A. BROWN,
Secretary.

C. L. MATHER,
Assistant Secretary.

I, Charles W. Pool, Secretary of State of the State of Nebraska, do hereby certify that the foregoing is a true and correct copy of the Constitution of the State of Nebraska, with all amendments thereto, the original having been adopted at the general election held on the second Tuesday of October, 1875, according to the records of this Department.

In Testimony Whereof, I have hereunto set my hand, and affixed the Great Seal of the State of Nebraska. Done at Lincoln, this 15th day of April in the year of our Lord One Thousand Nine Hundred and Fifteen, and of the Independence of the United States the One Hundred and Thirty-ninth and of this State the Forty-ninth.

[Seal] CHARLES W. POOL,
Secretary of State.

AMENDMENT OF ARTICLE III, SECTION 4, AS ADOPTED IN 1886.

SEC. 4. The term of office of members of the legislature shall be two years and they shall each receive pay at the rate of five dollars per day during their sitting, and ten cents for every mile they shall travel in going to and returning from the place of meeting of the legislature, on the most usual route; Provided

[22] Article XVII is a new article; it was proposed by the initiative and was ratified at the election of November 7, 1916.

however. That they shall not receive pay for more than sixty days at any one sitting, nor more than one hundred days during their term.

That neither members of the legislature nor employees shall receive any pay or perquisites other than their salary and mileage. Each session, except special sessions, shall be not less than sixty days. After the expiration of forty days of the session no bills nor joint resolutions of the nature of bills shall be introduced, unless the governor shall by special message call the attention of the legislature to the necessity of passing a law on the subject matter embraced in the message, and the introduction of bills shall be restricted thereto.

CONSTITUTION OF NEVADA—1864.*

PRELIMINARY ACTION.

1. Whereas, The Act of Congress approved March twenty-first, A. D. eighteen hundred and sixty-four, "To enable the people of the Territory of Nevada to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original states," requires that the members of the convention for framing said constitution shall, after organization, on behalf of the people of said territory, adopt the constitution of the United States; therefore be it

2. Resolved, That the members of this convention, elected by the authority of the aforesaid enabling act of Congress, as assembled in Carson City, the capital of said Territory of Nevada, and immediately subsequent to its organization, do adopt, on behalf of the people of said territory, the constitution of the United States.

ORDINANCE.

3. In obedience to the requirements of an act of the Congress of the United States, approved March twenty-first, A. D. eighteen hundred and sixty-four, to enable the people of Nevada to form a constitution and state government, this convention, elected and convened in obedience to said enabling act, do ordain as follows, and this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Nevada:

First—That there shall be in this state neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second—That perfect toleration of religious sentiment shall be secured, and no inhabitant of said state shall ever be molested, in person or property, on account of his or her mode of religious worship.

Third—That the people inhabiting said territory do agree, and declare, that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said state, shall never be taxed higher than the land belonging to residents thereof; and that no taxes shall be imposed by said state on lands or property therein belonging to, or which may hereafter be purchased by, the United States.

PREAMBLE.

4. We, the people of the State of Nevada, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquility, and form a more perfect government, do establish this

CONSTITUTION.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the

* The constitution of Nevada was drafted by a convention which assembled at Carson City on July 4, and adjourned on July 28, 1864. It was ratified by a vote of 10,375 to 1,284, lacking one county. The constitution was submitted as a whole and no proposition was submitted separately, and it became effective on October 31, 1864.

right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the federal government, in the exercise of all its constitutional powers, as the same have been, or may be, defined by the supreme court of the United States, and no power exists in the people of this or any other state of the federal union to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the government of the United States. The constitution of the United States confers full power on the federal government to maintain and perpetuate its existence, and whensoever any portion of the states, or people thereof, attempt to secede from the federal union, or forcibly resist the execution of its laws, the federal government may, by warrant of the constitution, employ armed force in compelling obedience to its authority.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law; and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand and have the same force and effect as a verdict by the whole jury; provided, the legislature, by a law passed by a two-thirds vote of all the members elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

SEC. 8. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this state may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the legislature) except on presentment or indictment of the grand jury, or upon information duly filed by a district attorney, or attorney-general of the state, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made, or secured, except in cases of war, riot, fire or great public peril, in which case compensation shall be afterward made.[1]

SEC. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for libels the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted or exonerated.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the legislature for redress of grievances.

[1] Amendment proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911 and ratified at the election of November 5, 1912.

SEC. 11. The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

SEC. 12. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner to be prescribed by law.

SEC. 13. Representation shall be apportioned according to population.

SEC. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned for a militia fine in time of peace.

SEC. 15. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 16. Foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native-born citizens.

SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state.

SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

SEC. 19. Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid or comfort. And no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. All citizens of the United States (not laboring under the disabilities named in this constitution) of the age of twenty-one years and upwards, who shall have actually, and not constructively, resided in the state six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; provided, that no person who has been or may be convicted of treason or felony in any state or territory of the United States, unless restored to civil rights, and no idiot or insane person shall be entitled to the privilege of an elector. There shall be no denial of the elective franchise at any election on account of sex.[2]

SEC. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

SEC. 3. The right of suffrage shall be enjoyed by all persons, otherwise

[2] Section 1 has been amended twice; the first amendment was proposed and adopted by the legislature of 1877, re-adopted by the legislature of 1879, and ratified by the electors on November 2, 1880. The present amendment was proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of November 3, 1914. The amendment of 1880 struck out the word "white" where it occurred before the word "male"; the amendment of 1914 extended the right of suffrage to women.

entitled to the same, who may be in the military or naval service of the United States; provided, the votes so cast shall be made to apply to the county and township of which said voters were bona fide residents at the time of their enlistment; and provided further, that the payment of a poll tax or a registration of such voters shall not be required as a condition to the right of voting. Provision shall be made by law regulating the manner of voting, holding elections, and making returns of such elections, wherein other provisions are not contained in this constitution.

SEC. 4. During the day on which any general election shall be held in this state, no qualified elector shall be arrested by virtue of any civil process.

SEC. 5. All elections by the people shall be by ballot, and all elections by the legislature, or by either branch thereof, shall be "viva voce."

SEC. 6. Provision shall be made by law for the registration of the names of the electors within the counties of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections, and to regulate the manner of holding and making returns of the same; and the legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary as a test of electoral qualifications.

SEC. 7. The legislature shall provide by law for the payment of an annual poll tax, of not less than two nor exceeding four dollars, from each male person resident in the state between the ages of twenty-one and sixty years (uncivilized American Indians excepted), to be expended for the maintenance and betterment of the public roads.[3]

SEC. 8. All persons qualified by law to vote for representatives to the general assembly of the Territory of Nevada, on the twenty-first day of March, A. D. eighteen hundred and sixty-four, and all other persons who may be lawful voters in said territory on the first Wednesday of September next following, shall be entitled to vote directly upon the question of adopting or rejecting this constitution.

SEC. 9. Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the qualified electors of the state, or of the county, district, or municipality, from which he was elected. For this purpose not less than twenty-five per cent (25%) of the qualified electors who vote in the state or in the county, district, or municipality electing said officer, at the preceding election, for justice of the supreme court, shall file their petition in the manner herein provided, demanding his recall by the people; they shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation it shall be accepted and take effect on the day if is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within twenty (20) days after the issuance of the call therefor, in the state or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive the highest number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or

[3] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified at the election of November 8, 1910.

assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall pay into the public treasury from which the expenses of said special election have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.[4]

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Nevada shall be divided into three separate departments—the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of this state shall be vested in the senate and assembly, which shall be designated "The Legislature of the State of Nevada," and the sessions of such legislature shall be held at the seat of government of the state.

SEC. 2. The sessions of the legislature shall be biennial, and shall commence on the third Monday of January next ensuing the election of members of the assembly, unless the governor of the state shall, in the interim, convene the legislature by proclamation.[5]

SEC. 3. The members of the assembly shall be chosen biennially by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, and their term of office shall be two years from the day next after their election.

SEC. 4. Senators shall be chosen at the same time and places as members of the assembly, by the qualified electors of their respective districts, and their term of office shall be four years from the day next after the election.

SEC. 5. Senators and members of the assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of senators shall not be less than one-third nor more than one-half of that of the members of the assembly.

SEC. 6. Each house shall judge of the qualifications, elections, and returns of its own members, choose its own officers (except the president of the senate), determine the rule of its proceedings, and may punish its members for disorderly conduct, and, with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 7. Either house, during the session, may punish, by imprisonment, any person, not a member, who shall have been guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 8. No senator or member of the assembly shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this state which shall have been created, or the emoluments of which shall have been increased, during such term, except such office as may be filled by election by the people.

SEC. 9. No person holding any lucrative office under the government of the United States, or any other power, shall be eligible to any civil office of

[4] Section 9 is a new section; it was proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911, and ratified on November 5, 1912.

[5] Amendment proposed and adopted by the legislature of 1885, re-adopted by the legislature of 1887, and ratified at a special election held on February 11, 1889. The amendment changed the time of meeting of the legislature from the "first" to the "third" Monday of January.

profit under this state; provided, that postmasters whose compensation does not exceed five hundred dollars per annum, or commissioners of deeds, shall not be deemed as holding a lucrative office.

SEC. 10. Any person who shall be convicted of the embezzlement or defalcation of the public funds of this state, or who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this state. And the legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery, or embezzlement as a felony.

SEC. 11. Members of the legislature shall be privileged from arrest on civil process during the session of the legislature, and for fifteen days next before the commencement of each session.

SEC. 12. When vacancies occur in either house, the governor shall issue writs of election to fill such vacancy.

SEC. 13. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 14. Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered in the journal.

SEC. 15. The doors of each house shall be kept open during its session, except the senate while sitting in executive session, and neither shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be holding their sessions.

SEC. 16. Any bill may originate in either house of the legislature, and all bills passed by one may be amended in the other.

SEC. 17. Each law enacted by the legislature shall embrace but one subject, and matters properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only; but, in such case, the act as revised, or section as amended, shall be reenacted and published at length.

SEC. 18. Every bill shall be read by sections on three several days in each house, unless, in case of emergency, two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the journals of each house; and a majority of all the members elected to each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses, and by the secretary of the senate and clerk of the assembly.

SEC. 19. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the legislature.

SEC. 20. The legislature shall not pass local or special laws in any of the following enumerated cases—that is to say: Regulating the jurisdiction and duties of the justices of the peace and of constables; for the punishment of crimes and misdemeanors; regulating the practice of courts of justice; providing for changing the venue in civil and criminal cases; granting divorces; changing the names of persons; vacating roads, town plots, streets, alleys and public squares; summoning and impaneling grand and petit juries, and providing for their compensation; regulating county and township business; regulating the election of county and township officers; for the assessment and collection of taxes for state, county, and township purposes; providing for opening and conducting elections of state, county, and township officers, and designating the places of voting; providing for the sale of real estate or per-

sonal property belonging to minors or other persons [laboring] under legal disabilities; [giving effect to invalid deeds, wills, or other instruments; re funding money paid into the state treasury, or into the treasury of any county releasing the indebtedness, liability, or obligation of any corporation, asso ciation, or person to the state, or to any county, town, or city of this state But nothing in this section shall be construed to deny or restrict the power o the legislature to establish and regulate the compensation and fees of county and township officers; to establish and regulate the rates of freight, passage toll, and charges of railroads, toll roads, ditch, flume, and tunnel companies incorporated under the laws of this state or doing business therein.][6]

SEC. 21. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the state.

SEC. 22. Provision may be made by general law for bringing suit against the state as to all liabilities originating after the adoption of this constitution

SEC. 23. The enacting clause of every law shall be as follows: "The People of the State of Nevada, represented in Senate and Assembly, do enact as follows," and no law shall be enacted except by bill.

SEC. 24. No lottery shall be authorized by this state, nor shall the sale of lottery tickets be allowed.

SEC. 25. The legislature shall establish a system of county and township government, which shall be uniform throughout the state.

SEC. 26. The legislature shall provide by law for the election of a board of county commissioners in each county, and such county commissioners shall jointly and individually, perform such duties as may be prescribed by law.

SEC. 27. Laws shall be made to exclude from serving on juries all persons not qualified electors of the state, and all persons who shall have been convicted of bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power bribery, tumult, or other improper practice.

SEC. 28. No money shall be drawn from the state treasury as salary or compensation to any officer or employee of the legislature, or either branch thereof, except in cases where such salary or compensation has been fixed by a law in force prior to the election or appointment of such officer or employee and the salary or compensation so fixed shall neither be increased nor diminished so as to apply to any officer or employee of the legislature, or either branch thereof, at such session; provided, that this restriction shall not apply to the first session of the legislature.

SEC. 29. The first regular session of the legislature under this constitution may extend to ninety days, but no subsequent regular session shall exceed sixty days, nor any special session convened by the governor exceed twenty days.

SEC. 30. A homestead, as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife when that relation exists; but no property shall be exempt from sale for taxes or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon provided, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife and laws shall be enacted providing for the recording of such homestead with the county in which the same shall be situated.

SEC. 31. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation, as well to her separate

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[6] Amendment proposed and adopted by the legislature of 1885, re-adopted by the legislature of 1887, and ratified at a special election held on February 11, 1889. The amendment omitted the word "laboring" and added the latter part of the section enclosed in brackets.

roperty as to that held in common with her husband. Laws shall also be assed providing for the registration of the wife's separate property.

SEC. 32. The legislature shall have power to increase, diminish, consolidate, or abolish the following county officers: County clerks, county recorders, uditors, sheriffs, district attorneys, county surveyors, public administrators, nd superintendents of schools. The legislature shall provide for their election y the people, and fix by law their duties and compensation. County clerks hall be ex officio clerks of the courts of record and of the boards of county ommissioners in and for their respective counties.[7]

SEC. 33. The members of the legislature shall receive for their services a ompensation to be fixed by law, and paid out of the public treasury; but no ncrease of such compensation shall take effect during the term for which the embers of either house shall have been elected; provided, that an appropriation may be made for the payment of such actual expenses as members f the legislature may incur for postage, express charges, newspapers and tationery, not exceeding the sum of sixty dollars for any general or special ession, to each member; and furthermore provided, that the speaker of the ssembly, and lieutenant-governor, as president of the senate, shall each, during he time of their actual attendance as such presiding officers, receive an additional allowance of two dollars per diem.

[SEC. 34. In all elections for United States senators, such elections shall e held in joint convention of both houses of the legislature. It shall be the uty of the legislature which convenes next preceding the expiration of the erm of such senator, to elect his successor. If a vacancy in such senatorial epresentation from any cause occur, it shall be the duty of the legislature hen in session, or at the succeeding session thereof, to supply such vacancy. If the legislature shall, at any time, as herein provided, fail to unite in a oint convention within twenty days after the commencement of the session f the legislature for the election [of] such senator, it shall be the duty of he governor, by proclamation, to convene the two houses of the legislature n joint convention within not less than five days, nor exceeding ten days, from he publication of his proclamation, and the joint convention when so assembled shall proceed to elect the senator as herein provided.][8]

SEC. 35. Every bill which may have passed the legislature shall, before it ecomes a law, be presented to the governor. If he approve, he shall sign it; nt if not, he shall return it, with his objections, to the house in which it riginated, which house shall cause such objections to be entered upon its ournal, and proceed to reconsider it; if, after such reconsideration, it again ass both houses, by yeas and nays, by a vote of two-thirds of the members lected to each house, it shall become a law, notwithstanding the governor's bjections. If any bill shall not be returned within five days after it shall ave been presented to him (Sundays excepted), exclusive of the day on which e received it, the same shall be a law in like manner as if he had signed it, nless the legislature, by its final adjournment, prevent such return, in which ase it shall be a law, unless the governor, within ten days next after the djournment (Sundays excepted), shall file such bill, with his objections thereto, n the office of the secretary of state, who shall lay the same before the legislature at its next session, in like manner as if it had been returned by the overnor; and if the same shall receive the vote of two-thirds of the members

[7] Amendment proposed and adopted by the legislature of 1887, re-adopted by the egislature of 1889, and ratified at a special election held on February 11, 1889. The xt of the original section is as follows: SEC. 32. The Legislature shall provide for e election by the people of a Clerk of the Supreme Court, County Clerks, County Recorders who shall be ex-officio County Auditors, District Attorneys, Sheriffs, County rveyors, Public Administrators and other necessary officers, and fix by law their ties and compensation. County Clerks shall be ex-officio Clerks of the Courts of cord, and of the Boards of County Commissioners in and for their respective unties.

[8] Obsolete since the adoption of the Seventeenth Amendment of the Federal Constitution.

elected to each branch of the legislature, upon a vote taken by yeas and nay to be entered upon the journals of each house, it shall become a law.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this state shall be vested a chief magistrate, who shall be governor of the State of Nevada.

SEC. 2. The governor shall be elected by the qualified electors at the tim and places of voting for members of the legislature, and shall hold his offi for four years from the time of his installation, and until his successor sha be qualified.

SEC. 3. No person shall be eligible to the office of governor who is not qualified elector, and who, at the time of such election, has not attained th age of twenty-five years, and who, except at the first election under this co stitution, shall not have been a citizen resident of this state for two years ne preceding the election.

SEC. 4. The returns of every election for governor, and other state office voted for at the general election, shall be sealed up and transmitted to th seat of government, directed to the secretary of state, and on the third Monda of December succeeding such election, the chief justice of the supreme cour and the associate justices, or a majority thereof, shall meet at the office the secretary of state, and open and canvass the election returns for governo and all other state officers, and forthwith declare the result and publish th names of the persons elected. The persons having the highest number of vot for the respective offices shall be declared elected, but in case any two more have an equal and the highest number of votes for the same office, th legislature shall, by joint vote of both houses, elect one of said persons fill said office.

SEC. 5. The governor shall be commander-in-chief of the military force of this state, except when they shall be called into the service of the Unite States.

SEC. 6. He shall transact all executive business with the officers of th government, civil and military, and may require information in writing fro the officers of the executive department upon any subject relating to the duti of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and n mode is provided by the constitution and laws for filling such vacancy, th governor shall have the power to fill such vacancy by granting a commissio which shall expire at the next election and qualification of the person elect to such office.

SEC. 9. The governor may, on extraordinary occasions, convene the legi lature by proclamation, and state to both houses, when organized, the purpo for which they have been convened, and the legislature shall transact no legi lative business except that for which they were especially convened, or su other legislative business as the governor may call to the attention of t legislature while in session.

SEC. 10. He shall communicate by message to the legislature at eve regular session the condition of the state, and recommend such measures he may deem expedient.

SEC. 11. In case of a disagreement between the two houses, with respe to the time of adjournment, the governor shall have power to adjourn t legislature to such time as he may think proper; provided, it be not beyon the time fixed for the meeting of the next legislature.

SEC. 12. No person shall while holding any office under the United Stat government hold the office of governor, except as herein expressly provided.

SEC. 13. The governor shall have the power to suspend the collection fines and forfeitures, and grant reprieves for a period not exceeding sixty da dating from the time of conviction, for all offenses, except in cases of impeac

ient. Upon conviction for treason, he shall have power to suspend the execu-on of the sentence until the case shall be reported to the legislature at its ext meeting, when the legislature shall either pardon, direct the execution of ie sentence, or grant a further reprieve. And if the legislature shall fail or fuse to make final disposition of such case, the sentence shall be enforced t such time and place as the governor by his order may direct. The governor all communicate to the legislature, at the beginning of every session, every ise of fine or forfeiture remitted, or reprieve, pardon, or commutation granted, ating the name of the convict, the crime of which he was convicted, the sen-ence, its date, and the date of the remission, commutation, pardon or reprieve.

SEC. 14. The governor, justices of the supreme court and attorney-general, a major part of them, of whom the governor shall be one, may, upon such onditions and with such limitations and restrictions as they may think proper, mit fines and forfeitures, commute punishments and grant pardons, after nvictions, in all cases, except treason and impeachments, subject to such gulations as may be provided by law relative to the manner of applying for rdons.

SEC. 15. There shall be a seal of this state, which shall be kept by the overnor, and used by him officially, and shall be called "The Great Seal of ie State of Nevada."

SEC. 16. All grants and commissions shall be in the name and by the uthority of the State of Nevada, sealed with the great seal of the state, gned by the governor and countersigned by the secretary of state.

SEC. 17. A lieutenant-governor shall be elected at the same time and aces, and in the same manner as the governor, and his term of office and s eligibility shall also be the same. He shall be president of the senate, but all only have a casting vote therein. If, during a vacancy of the office of overnor, the lieutenant-governor shall be impeached, displaced, resign, die, become incapable of performing the duties of the office, or be absent from e state, the president pro tempore of the senate shall act as governor until e vacancy be filled or the disability cease.

SEC. 18. In case of the impeachment of the governor, or his removal om office, death, inability to discharge the duties of the said office, resigna-on or absence from the state, the powers and duties of the office shall devolve on the lieutenant-governor for the residue of the term, or until the disability all cease. But when the governor shall, with the consent of the legislature, out of the state in time of war, and at the head of any military force ereof, he shall continue commander-in-chief of the military forces of the ate.

SEC. 19. A secretary of state, a treasurer, a controller, a surveyor-general, d an attorney-general, shall be elected at the same time and places, and in e same manner as the governor. The term of office of each shall be the me as is prescribed for the governor. Any elector shall be eligible to either said offices.

SEC. 20. The secretary of state shall keep a true record of the official ts of the legislative and executive departments of the government, and shall, nen required, lay the same, and all matters relative thereto, before either anch of the legislature.

SEC. 21. The governor, secretary of state, and attorney-general shall con-itute a board of state prison commissioners, which board shall have such pervision of all matters connected with the state prison as may be provided law. They shall also constitute a board of examiners, with power to examine claims against the state (except salaries or compensation of officers fixed law), and perform such other duties as may be prescribed by law, and no im against the state (except salaries or compensation of officers fixed by w) shall be passed upon by the legislature without having been considered d acted upon by said board of examiners.

SEC. 22. The secretary of state, state treasurer, state controller, surveyor-neral, attorney-general, and superintendent of public instruction shall per-rm such other duties as may be prescribed by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this state shall be vested in a supren court, district courts and in justices of the peace. The legislature may al establish courts, for municipal purposes only, in incorporated cities and town

SEC. 2. The supreme court shall consist of a chief justice and two associa justices, a majority of whom shall constitute a quorum; provided, that t legislature, by a majority of all the members elected to each branch there may provide for the election of two additional associate justices, and if increased three shall constitute a quorum. The concurrence of a majority the whole court shall be necessary to render a decision.

SEC. 3. The justices of the supreme court shall be elected by the qualifi electors of the state at the general election, and shall hold office for a ter of six years from and including the first Monday of January next succee ing their election; provided, that there shall be elected, at the first electi under this constitution, three justices of the supreme court, who shall ho office from and including the first Monday of December, A. D. eighteen hu dred and sixty-four, and continue in office thereafter two, four, and six yea respectively, from and including the first Monday of January next succeedi their election. They shall meet as soon as practicable after their election a qualification, and at their first meeting shall determine, by lot, the term office each shall fill, and the justice drawing the shortest term shall be chi justice, and after the expiration of his term, the one having the next shorte term shall be chief justice, after which the senior justice in commission sha be chief justice, and in case the commission of any two or more of said ju tices shall bear the same date, they shall determine by lot who shall be chi justice.

SEC. 4. The supreme court shall have appellate jurisdiction in all cas in equity; also, in all cases at law in which is involved the title or right possession to, or the possession of, real estate or mining claims, or the legali of any tax, impost, assessment, toll or municipal fine, or in which the dema (exclusive of interest) or the value of the property in controversy excee three hundred dollars; also, in all other civil cases not included in the gener subdivisions of law and equity, and also on questions of law alone in all cri inal cases in which the offense charged amounts to felony. The court shall al have power to issue writs of mandamus, certiorari, prohibition, quo warran and habeas corpus, and also all writs necessary or proper to the complete exe cise of its appellate jurisdiction. Each of the justices shall have power to iss writs of habeas corpus to any part of the state upon petition by, or on beha of, any person held in actual custody, and may make such writs returnal before himself or the supreme court, or before any district court in the sta or before any judge of said courts.

SEC. 5. The state is hereby divided into nine judicial districts, of whi the county of Storey shall constitute the first; the county of Ormsby the secon the county of Lyon the third; the county of Washoe the fourth; the count of Nye and Churchill the fifth; the county of Humboldt the sixth; the cour of Lander the seventh; the county of Douglas the eighth, and the county Esmeralda the ninth. The county of Roop shall be attached to the county Washoe for judicial purposes, until otherwise provided by law. The legislatu may, however, provide by law for an alteration in the boundaries or divisio of the districts herein prescribed, and also for increasing or diminishing t number of the judicial districts and judges therein. But no such chan shall take effect, except in case of a vacancy, or the expiration of the te of an incumbent of the office. At the first general election under this co stitution, there shall be elected in each of the respective districts (exce as in this section hereafter otherwise provided) one district judge, who sh hold office from and including the first Monday of December, A. D. eighte hundred and sixty-four, and until the first Monday of January, in the ye eighteen hundred and sixty-seven. After the first said election, there sh be elected at the general election which immediately precedes the expirati

of the term of his predecessor, one district judge in each of the respective judicial districts (except in the first district, as in this section hereinafter provided). The district judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of four years (excepting those elected at said first election) from and including the first Monday of January next succeeding their election and qualification; provided, that the first judicial district shall be entitled to, and shall have three district judges, who shall possess coextensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed in relation to the judges in other judicial districts. Any one of said judges may preside on the empaneling of grand juries, and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.

SEC. 6. The district courts in the several judicial districts of this state shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or the right of possession to, or the possession of, real property or mining claims, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also, in all cases relating to the estates of deceased persons, and the persons and estates of minors and insane persons; and of the action of forcible entry and unlawful detainer; and also in all criminal cases not otherwise provided for by law; they shall also have final appellate jurisdiction in cases arising in justices courts and such other inferior tribunals as may be established by law. The district courts and the judges thereof shall have power to issue writs of mandamus, injunction, quo warranto, certiorari, and all other writs proper and necessary to the complete exercise of their jurisdiction; and also shall have power to issue writs of habeas corpus on petition by, or in behalf of, any person held in actual custody in their respective districts.

SEC. 7. The times of holding the supreme court and district courts shall be fixed by law. The terms of the supreme court shall be held at the seat of government; and the terms of the district courts shall be held at the county-seats of their respective counties; provided, that in case any county shall be hereafter divided into two or more districts, the legislature may by law designate the places of holding courts in any such districts.

SEC. 8. The legislature shall determine the number of justices of the peace to be elected in each city and township of the state, and shall fix, by law, their powers, duties and responsibilities; provided, that such justices courts shall not have jurisdiction of the following cases, viz: First—Of cases in which the matter in dispute is a money demand or personal property, and the amount of the demand (exclusive of interest) or the value of the property exceeds three hundred dollars. Second—Of cases wherein the title to real estate or mining claims, or questions of boundaries to land, is or may be involved; or of cases that in any manner shall conflict with the jurisdiction of the several courts of record in this state; and provided further, that justices courts shall have such criminal jurisdiction as may be prescribed by law; and the legislature may confer upon said courts jurisdiction concurrent with the district courts, of actions to enforce mechanics' liens wherein the amount (exclusive of interest) does not exceed three hundred dollars; and also of actions for the possession of lands and tenements, where the relation of landlord and tenant exists, or when such possession has been unlawfully or fraudulently obtained or withheld. The legislature shall also prescribe by law the manner and determine the cases in which appeals may be taken from justices and other courts. The supreme court, the district court, and such other courts as the legislature shall designate, shall be courts of record.

SEC. 9. Provision shall be made by law prescribing the powers, duties and responsibilities of any municipal court that may be established in pursuance of section one of this article; and also fixing by law the jurisdiction of said court, so as not to conflict with that of the several courts of record.

SEC. 10. No judicial officer, except justices of the peace and city recorders shall receive to his own use any fees or perquisites of office.

SEC. 11. The justices of the supreme court and the district judges sha be ineligible to any office, other than a judicial office, during the term for whic they shall have been elected; and all elections or appointments of any suc judges by the people, legislature, or otherwise, during said period, to any offic other than judicial, shall be void.

SEC. 12. Judges shall not charge juries in respect to matters of fact, bu may state the testimony and declare the law.

SEC. 13. The style of all process shall be "The State of Nevada," an all prosecutions shall be conducted in the name and by the authority of th same.

SEC. 14. There shall be but one form of civil action, and law and equit may be administered in the same action.

SEC. 15. The justices of the supreme court and district judges shall eac receive quarterly for their services a compensation to be fixed by law, an which shall not be increased or diminished during the term for which the shall have been elected, unless in case a vacancy occurs, in which case th successor of the former incumbent shall receive only such salary as may b provided by law at the time of his election or appointment; and provisio shall be made by law for setting apart from each year's revenue a sufficien amount of money to pay such compensation; provided, that district judge shall be paid out of the county treasuries of the counties composing their respec tive districts.

SEC. 16. The legislature at its first session, and from time to time there after, shall provide by law that upon the institution of each civil action an other proceedings, and also upon the perfecting of an appeal in any civil ac tion or proceeding in the several courts of record in this state, a special cour fee or tax shall be advanced to the clerks of said courts, respectively, by th party or parties bringing such action or proceeding, or taking such appeal; an the money so paid in shall be accounted for by such clerks, and applied toward the payment of the compensation of the judges of said courts, as shall b directed by law.

SEC. 17. The legislature shall have no power to grant leave of absence t a judicial officer, and any such officer who shall absent himself from the stat for more than ninety consecutive days shall be deemed to have vacated hi office.

SEC. 18. No judicial officer shall be superseded, nor shall the organizatio of the several courts of the Territory of Nevada be changed until the elec tion and qualification of the several officers provided for in this article.

ARTICLE VII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The assembly shall have the sole power of impeaching. Th concurrence of a majority of all the members elected shall be necessary t an impeachment. All impeachments shall be tried by the senate, and, whe sitting for that purpose, the senators shall be upon oath or affirmation to d justice according to law and evidence. The chief justice of the supreme cour shall preside over the senate while sitting to try the governor or lieutenant governor upon impeachment. No person shall be convicted without the con currence of two-thirds of the senators elected.

SEC. 2. The governor and the other state and judicial officers, excep justices of the peace, shall be liable to impeachment for misdemeanor or mal feasance in office; but judgment in such case shall not extend further tha removal from office, and disqualification to hold any office of honor, profit or trust, under this state. The party, whether convicted or acquitted, shal nevertheless be liable to indictment, trial, judgment, and punishment accord ing to law.

SEC. 3. For any reasonable cause, to be entered on the journals of each

house, which may or may not be sufficient grounds for impeachment, the chief justice and associate justices of the supreme court and judges of the district courts shall be removed from office on the vote of two-thirds of the members elected to each branch of the legislature, and the justices or judge complained of shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person, or by counsel, in his defense; provided, that no member of either branch of the legislature shall be eligible to fill the vacancy occasioned by such removal.

SEC. 4. Provision shall be made by law for the removal from office of any civil officer other than those in this article previously specified, for malfeasance or nonfeasance in the performance of his duties.

ARTICLE VIII.

MUNICIPAL AND OTHER CORPORATIONS.

SECTION 1. The legislature shall pass no special act in any matter relating to corporate powers except for municipal purposes; but corporations may be formed under general laws, and all such laws may, from time to time, be altered or repealed.

SEC. 2. All real property and possessory rights to the same, as well as personal property in this state, belonging to corporations now existing or hereafter created, shall be subject to taxation the same as property of individuals; provided, that the property of corporations formed for municipal, charitable, religious, or educational purposes may be exempted by law.

SEC. 3. Dues from corporations shall be secured by such means as may be prescribed by law; provided, that corporators in corporations formed under the laws of this state shall not be individually liable for the debts or liabilities of such corporation.

SEC. 4. Corporations created by or under the laws of the Territory of Nevada shall be subject to the provisions of such laws until the legislature shall pass laws regulating the same, in pursuance of the provisions of this constitution.

SEC. 5. Corporations may sue and be sued in all courts, in like manner as individuals.

SEC. 6. No bank-notes or paper of any kind shall ever be permitted to circulate as money in this state, except the federal currency and the notes of banks authorized under the laws of Congress.

SEC. 7. No right of way shall be appropriated to the use of any corporation until full compensation be first made or secured therefor.

SEC. 8. The legislature shall provide for the organization of cities and towns by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, except for procuring supplies of water.

SEC. 9. The state shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association, or corporation, except corporations formed for educational or charitable purposes.

SEC. 10. No county, city, town, or other municipal corporation shall become a stockholder in any joint-stock company, corporation, or association whatever, or loan its credit in aid of any such company, corporation, or association, except railroad corporations, companies, or associations.

ARTICLE IX.

FINANCE AND STATE DEBT.

SECTION 1. The fiscal year shall commence on the first day of January of each year.

SEC. 2. The legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the state for each fiscal year; and whenever the expenses of any year shall exceed the income, the legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year or two years.

SEC. 3. The state may contract public debts; but such debts shall neve in the aggregate, exclusive of interest, exceed the sum of one per cent o the assessed valuation of the state, as shown by the reports of the count assessors to the state controller, except for the purpose of defraying extraord nary expenses, as hereinafter mentioned. Every such debt shall be authorize by law for some purpose or purposes, to be distinctly specified therein; an every such law shall provide for levying an annual tax sufficient to pay th interest semi-annually, and the principal within twenty years from the pa sage of such law, and shall specially appropriate the proceeds of said taxes t the payment of said principal and interest; and such appropriation shall no be repealed, nor the taxes postponed or diminished until the principal an interest of said debts shall have been wholly paid. Every contract of indebted ness entered into or assumed by or in behalf of the state, when all its debt and liabilities amount to said sum before mentioned, shall be void and of n effect, except in cases of money borrowed to repel invasion, suppress insurre tion, defend the state in time of war, or, if hostilities be threatened, provid for the public defense.[9]

SEC. 4. The state shall never assume the debts of any county, town, city or other corporation whatever, unless such debts have been created to repe invasion, suppress insurrection, or to provide for the public defense.

ARTICLE X.

TAXATION.

SECTION 1. The legislature shall provide by law for a uniform and equa rate of assessment and taxation, and shall prescribe such regulations as sha secure a just valuation for taxation of all property, real, personal and posse sory, except mines and mining claims, when not patented, the proceeds alon of which shall be assessed and taxed, and when patented, each patented min shall be assessed at not less than five hundred dollars ($500), except when on hundred dollars ($100) in labor has been actually performed on such patente mine during the year, in addition to the tax upon the net proceeds, and, als excepting such property as may be exempted by law for municipal, educationa literary, scientific, or other charitable purposes.[10]

ARTICLE XI.

EDUCATION.

SECTION 1. The legislature shall encourage by all suitable means the pr motion of intellectual, literary, scientific, mining, mechanical, agricultural an moral improvements, and also provide for the election by the people, at th general election, of a superintendent of public instruction, whose term o office shall be two years from the first Monday of January, A. D. eightee hundred and sixty-five, and until the election and the qualification of his su cessor, and whose duties shall be prescribed by law.

SEC. 2. The legislature shall provide for a uniform system of commo schools, by which a school shall be established and maintained in each scho district at least six months in every year; and any school district neglectin to establish and maintain such a school, or which shall allow instruction o a sectarian character therein, may be deprived of its proportion of the intere of the public school fund during such neglect or infraction; and the legislatu may pass such laws as will tend to secure a general attendance of the childre in each school district upon said public schools.

SEC. 3. All lands, including the sixteenth and thirty-sixth sections in an township donated for the benefit of public schools in the act of the thirty eighth Congress, to enable the people of Nevada Territory to form a stat

[9] Amendment proposed and adopted by the legislature of 1913, re-adopted by th legislature of 1915, and ratified on November 7, 1916.

[10] Amendment proposed and adopted by the legislature of 1903, re-adopted by th legislature of 1905, and ratified at the election of November 6, 1906.

government, the thirty thousand acres of public lands granted by an act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each senator and representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States to this state, and also the five hundred thousand acres of land granted to the new states under the act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. eighteen hundred and forty-one; provided, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the state; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the state; all property given or bequeathed to the state for educational purposes, and all proceeds derived from any or all of said sources shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other funds for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the legislature may provide by law; and the legislature shall provide for the sale of floating land warrants to cover the aforesaid lands and for the investment of all proceeds derived from any of the above-mentioned sources, in United States bonds, or the bonds of this state, or the bonds of other states of the Union, or the bonds of any county in the state of Nevada, or in loans at a rate of interest of not less than six per centum per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of exceptional title and free from all encumbrances, said loans to be under such further restrictions and regulations as may be provided by law; provided, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; and provided further, that such portion of said interest as may be necessary may be appropriated for the support of the state university.[11]

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[11] Section 3 has been amended three times; the first amendment was proposed and adopted by the legislature of 1885, re-adopted by the legislature of 1887, and ratified at the special election of February 11, 1889; the second amendment was proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911, and ratified at the election of November 5, 1912; the present amendment was proposed and adopted by the legislature of 1913, re-adopted by the legislature of 1915, and ratified at the election of November 7, 1916. The text of the original section is as follows: Sec. 3. All lands, including the sixteenth and thirty-sixth sections in every township, donated for the benefit of public schools in the Act of the thirty-eighth Congress, to enable the people of Nevada Territory to form a State Government, the thirty thousand acres of public lands granted by an Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each Senator and Representative in Congress, and all proceeds of lands that have been, or may hereafter be granted, or appropriated by the United States to this State, and also the five hundred thousand acres of land granted to the new States under the Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one; provided, that Congress makes provision for, or authorizes such diversion to be made for the purpose herein contained, all estates that may escheat to the State, all of such per cent. as may be granted by Congress on the sale of land, all fines collected under the penal laws of the State, all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all of said sources, shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties in proportion to the ascertained numbers of the persons between the ages of six and eighteen years in the different counties, and the Legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above mentioned sources, in United States bonds, or the bonds of this State; provided that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; and, provided further, that such portions of said interest as may be necessary may be appropriated for the support of the State University. The text of the amendment of 1912 is as follows: Sec. 3. All lands, including the sixteenth and thirty-sixth sections in any township donated for the benefit of public schools in the act of the thirty-eighth Congress, to enable the people of Nevada Territory to form a state government, the thirty thousand acres of public lands granted by an act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each senator and representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by

SEC. 4. The legislature shall provide for the establishment of a state university, which shall embrace departments for agriculture, mechanic arts and mining, to be controlled by a board of regents, whose duties shall be prescribed by law.

SEC. 5. The legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the university, as in their discretion they may deem necessary, and all professors in said university, or teachers in said schools, of whatever grade, shall be required to take and subscribe to the oath as prescribed in article XV of this constitution. No professor or teacher who fails to comply with the provisions of any law framed in accordance with the provisions of this section shall be entitled to receive any portion of the public moneys set apart for school purposes.

SEC. 6. The legislature shall provide a special tax, which shall not exceed two mills on the dollar of all taxable property in the state, in addition to the other means provided for the support and maintenance of said university and common schools.[12]

SEC. 7. The governor, secretary of state, and superintendent of public instruction shall, for the first four years and until their successors are elected and qualified, constitute a board of regents, to control and manage the affairs of the university and the funds of the same, under such regulations as may be provided by law. But the legislature shall at its regular session next preceding the expiration of the term of office of said board of regents, provide for the election of a new board of regents, and define their duties.

SEC. 8. The board of regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said mining department in such manner as to make it most effective and useful; provided, that all the proceeds of the public lands donated by act of Congress approved July second, A. D. eighteen hundred and sixty-two, for a college for the benefit of agriculture, the mechanic arts, and including military tactics, shall be invested by the said board of regents in a separate fund, to be appropriated exclusively for the benefit of the first-named departments to the university, as set forth in section four above; and the legislature shall provide that if, through neglect or any other contingency, any portion of the fund so set apart shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund, so that the principal of said fund shall remain forever undiminished.

SEC. 9. No sectarian instruction shall be imparted or tolerated in any school or university that may be established under this constitution.

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the United States to this state, and also the five hundred thousand acres of land granted to the new states under the act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. eighteen hundred and forty-one; provided, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the state; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the state; all property given or bequeathed to the state for educational purposes, and all proceeds derived from any or all of said sources shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other fund for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the legislature may provide by law; and the legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above-mentioned sources, in United States bonds, or the bonds of this state, or the bonds of other states of the Union, or the bonds of any county in the State of Nevada; provided, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; and provided further, that such portion of said interest as may be necessary may be appropriated for the support of the state university.

[12] Amendment proposed and adopted by the legislature of 1885, re-adopted by the legislature of 1887, and ratified at the special election of February 11, 1889. The text of the original section is as follows: Sec. 6. The Legislature shall provide a special tax of one-half of one mill on the dollar of all taxable property in the State, in addition to the other means provided for the support and maintenance of said University and common schools; provided, that at the end of ten years they may reduce said tax to one-quarter of one mill on each dollar of taxable property.

SEC. 10. No public funds of any kind or character whatever, state, county, or municipal, shall be used for sectarian purposes.[13]

ARTICLE XII.

MILITIA.

SECTION 1. The legislature shall provide by law for organizing and disciplining the militia of this state, for the effectual encouragement of volunteer corps, and the safe keeping of the public arms.

SEC. 2. The governor shall have power to call out the militia to execute the laws of the state, or to suppress insurrection or repel invasion.

ARTICLE XIII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be prescribed by law.

SEC. 2. A state prison shall be established and maintained in such manner as may be prescribed by law; and provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders.

SEC. 3. The respective counties of the state shall provide, as may be prescribed by law, for those inhabitants who, by reason of age and infirmity, or misfortunes, may have claim upon the sympathy and aid of society.

ARTICLE XIV.

BOUNDARY.

SECTION 1. The boundary of the State of Nevada shall be as follows: Commencing at a point formed by the intersection of the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the State of California; thence in a northwesterly direction along said eastern boundary line of the State of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the State of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning. And whensoever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the easterly border of the foregoing defined limits, not exceeding in extent one degree of longitude, the same shall thereupon be embraced within and become a part of this state. And furthermore provided, that all such territory lying west of and adjoining the boundary line herein prescribed, which the State of California may relinquish to the Territory or State of Nevada, shall thereupon be embraced within and constitute a part of this state.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SECTION 1. The seat of government shall be at Carson City, but no appropriation for the erection or purchase of capitol buildings shall be made during the next three years.

SEC. 2. Members of the legislature, and all officers, executive, judicial

[13] Section 10 is a new section; it was proposed and adopted by the legislature of 1877, re-adopted by the legislature of 1879, and ratified at the election of November 2, 1880.

and ministerial, shall, before they enter upon the duties of their respective offices, take and prescribe to the following oath:

"I, _____, do solemnly swear (or affirm) that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of_____, on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury."[14]

SEC. 3. No person shall be eligible to any office who is not a qualified elector under this constitution. No person who, while a citizen of this state has, since the adoption of this constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon either within or beyond the boundaries of this state, or who has acted as second, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit or trust or enjoy the right of suffrage under this constitution. The legislature shall provide by law for giving force and effect to the foregoing provisions of this section; provided, that females over the age of twenty-one years, who have resided in this state one year, and in the county and district six months next preceding any election to fill either of said offices, or the making of such appointment, shall be eligible to the office of superintendent of public instruction, deputy superintendent of public instruction, school trustee, and notary public.[15]

SEC. 4. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 5. The general election shall be held on the Tuesday next after the first Monday in November.

SEC. 6. The aggregate number of members of both branches of the legislature shall never exceed seventy-five.

SEC. 7. All county officers shall hold their offices at the county-seat of their respective counties.

SEC. 8. The legislature shall provide for the speedy publication of all statute laws of a general nature, and such decisions of the supreme court as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person; provided, that no judgment of the supreme court shall take effect and be operative until the opinion of the court in such case shall be filed with the clerk of said court.

SEC. 9. The legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the officers whose salaries or compensation is fixed in this constitution; provided, no such change of salary or compensation shall apply to any officer during the term for which he may have been elected.

SEC. 10. All officers whose election or appointment is not otherwise provided for shall be chosen or appointed as may be prescribed by law.

SEC. 11. The tenure of any office not herein provided for may be de

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[14] Amendment proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of November 3, 1914.

[15] Section 3 has been amended twice; the first amendment was proposed and adopted by the legislature of 1887, re-adopted by the legislature of 1889, and ratified at the special election of February 11, 1889; the present amendment was proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911, and ratified by the electors on November 5, 1912. The text of the original section is as follows: Sec. 3. No person shall be eligible to any office who is not a qualified elector under this Constitution. No person who while a citizen of this State has since the adoption of this Constitution, fought a duel with a deadly weapon, sent, or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or who has acted as second or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit, or trust, or enjoy the right of suffrage under this Constitution. The Legislature shall provide by law for giving force and effect to this Section.

clared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment, but the legislature shall not create any office the tenure of which shall be longer than four years, except as herein otherwise provided in this constitution.

SEC. 12. The governor, secretary of state, state treasurer, state controller, and clerk of the supreme court shall keep their respective offices at the seat of government.

SEC. 13. The enumeration of the inhabitants of this state shall be taken, under the direction of the legislature, if deemed necessary, in A. D. eighteen hundred and sixty-five, A. D. eighteen hundred and sixty-seven, A. D. eighteen hundred and seventy-five, and every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States in A. D. eighteen hundred and seventy, and every subsequent ten years, shall serve as the basis of representation in both houses of the legislature.

SEC. 14. A plurality of votes given at an election by the people shall constitute a choice, where not otherwise provided by this constitution.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in the senate or assembly; and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments shall become a part of the constitution.

SEC. 2. If at any time the legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this entire constitution, they shall recommend to the electors, at the next election for members of the legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the legislature shall, at its next session, provide by law for calling a convention to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

ARTICLE XVII.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims, and contracts, as well of individuals as of bodies corporate, including counties, towns and cities, shall continue as if no change had taken place; and all process which may issue under the authority of the Territory of Nevada, previous to its admission into the Union as one of the United States, shall be as valid as if issued in the name of the State of Nevada.

SEC. 2. All laws of the Territory of Nevada, in force at the time of the

admission of this state, not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Nevada, or to the people of the United States in the Territory of Nevada, shall inure to the State of Nevada.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid, and shall pass to, and may be prosecuted in the name of the state, and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, or to the people of the United States in the Territory of Nevada, shall pass to the governor, or other officer, or court and his or their successors in office, for the uses therein respectively expressed, and may be sued on, and recovery had accordingly; and all property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, claims, and debts of whatsoever description, and all records and public archives of the Territory of Nevada, shall issue to and vest in the State of Nevada, and may be sued for and recovered in the same manner and to the same extent by the State of Nevada, as the same could have been by the Territory of Nevada. All criminal prosecutions and penal actions, which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Nevada, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Nevada with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity, and other legal proceedings, which may be pending in any of the courts of the Territory of Nevada at the time of the change from a territorial to a state government, may be continued and transferred to and determined by any court of the state which shall have jurisdiction of the subject-matter thereof. All actions at law and suits in equity, and all other legal proceedings, which may be pending in any of the courts of the Territory of Nevada at the time of the change from a territorial to a state government, shall be continued and transferred to, and may be prosecuted to judgment and execution in any court of the state, which shall have jurisdiction of the subject-matter thereof; and all books, papers and records relating to the same shall be transferred in like manner to such court.

SEC. 5. For the first term of office succeeding the formation of a state government, the salary of the governor shall be four thousand dollars per annum; the salary of the secretary of state shall be three thousand six hundred dollars per annum; the salary of the state controller shall be three thousand six hundred dollars per annum; the salary of the state treasurer shall be three thousand six hundred dollars per annum; the salary of the surveyor-general shall be one thousand dollars per annum; the salary of the attorney-general shall be two thousand five hundred dollars per annum; the salary of the superintendent of public instruction shall be two thousand dollars per annum; the salary of each judge of the supreme court shall be seven thousand dollars per annum. The salaries of the foregoing officers shall be paid quarterly, out of the state treasury. The pay of state senators and members of assembly shall be eight dollars per day, for each day of actual service, and forty cents per mile for mileage going to and returning from the place of meeting. No officer mentioned in this section shall receive any fee or perquisites to his own use for the performance of any duty connected with his office, or for the performance of any additional duty imposed upon him by law.

SEC. 6. Until otherwise provided by law, the apportionment of senators and assemblymen in the different counties shall be as follows, to wit: Storey

ounty, four senators and twelve assemblymen; Douglas County, one senator nd two assemblymen; Esmeralda County, two senators and four assembly- en; Humboldt County, two senators and three assemblymen; Lander County, ro senators and four assemblymen; Lyon County, one senator and three ssemblymen; Lyon and Churchill Counties, one senator jointly; Churchill ounty, one assemblyman; Nye county, one senator and one assemblyman; rmsby County, two senators and three assemblymen; Washoe and Roop ounties, two senators and three assemblymen.

SEC. 7. All debts and liabilities of the Territory of Nevada lawfully in- rred, and which remain unpaid at the time of the admission of this state to the Union, shall be assumed by and become the debt of the State of evada; provided, that the assumption of such indebtedness shall not prevent e state from contracting the additional indebtedness, as provided in sec- on three of article IX of this constitution.

SEC. 8. The term of state officers (except judicial) elected at the first ection under this constitution, shall continue until the Tuesday after the st Monday of January, A. D. eighteen hundred and sixty-seven, and until e election and qualification of their successors.[16]

SEC. 9. The senators to be elected at the first election under this con- tution shall draw lots, so that the term of one-half of the number, as arly as may be, shall expire on the day succeeding the general election in D. eighteen hundred and sixty-six, and the term of the other half shall pire on the day succeeding the general election in A. D. eighteen hundred d sixty-eight; provided, that in drawing lots for all senatorial terms, the natorial representation shall be allotted so that in the counties having two more senators, the terms thereof shall be divided, as nearly as may be, tween the long and short terms.

SEC. 10. At the general election in A. D. eighteen hundred and sixty-six, d thereafter, the term of senators shall be four years from the day suc- eding such general election, and members of the assembly for two years from e day succeeding such general election, and the terms of senators shall be otted by the legislature in long and short terms, as hereinbefore provided, that one-half the number, as nearly as may be, shall be elected every two ars.

SEC. 11. The term of the members of the assembly elected at the first neral election under this constitution shall expire on the day succeeding the neral election in A. D. eighteen hundred and sixty-five; and the terms of ose elected at the general election in A. D. eighteen hundred and sixty- shall expire on the day succeeding the general election in A. D. eighteen ndred and sixty-six.

SEC. 12. The first regular session of the legislature shall commence on second Monday of December, A. D. eighteen hundred and sixty-four, and second regular session of the same shall commence on the first Monday January, A. D. eighteen hundred and sixty-six, and the third regular session the legislature shall be the first of the biennial sessions, and shall com- nce on the first Monday of January, A. D. eighteen hundred and sixty- en; and the regular sessions of the legislature shall be held thereafter nnially, commencing on the first Monday of January.[17]

SEC. 13. All county officers under the laws of the Territory of Nevada at time when the constitution shall take effect, whose offices are not incon- ent with the provisions of this constitution, shall continue in office until the t Monday of January, A. D. eighteen hundred and sixty-seven, and until ir successors are elected and qualified; and all township officers shall con- ue in office until the expiration of their terms of office and until their cessors are elected and qualified; provided, that the probate judges of several counties, respectively, shall continue in office until the election d qualification of the district judges of the several counties or judicial dis- cts; and provided further, that the term of office of the present county

[16] Sections 8 to 26, inclusive, are now only historical.
[17] Section 12 was superseded by section 2 of Article IV.

officers of Lander County shall expire on the first Monday of January, A. D. eighteen hundred and sixty-five, except the probate judge of said county whose term of office shall expire upon the first Monday of December, A. D. eighteen hundred and sixty-four, and there shall be an election for county officers of Lander County at the general election in November, A. D. eighteen hundred and sixty-four, and the officers then elected shall hold office from the first Monday of January, A. D. eighteen hundred and sixty-five, until the first Monday of January, A. D. eighteen hundred and sixty-seven, and until their successors are elected and qualified.

SEC. 14. The governor, secretary, treasurer, and superintendent of public instruction of the Territory of Nevada shall each continue to discharge the duties of their respective offices after the admission of this state into the Union, and until the time designated for the qualification of the above named officers to be elected under the state government; and the territorial auditor shall continue to discharge the duties of his said office until the time appointed for the qualification of the state controller; provided, that the said officers shall each receive the salaries, and be subject to the restrictions and conditions provided in this constitution; and provided further, that none of them shall receive to his own use any fees or perquisites for the performance of any duty connected with his office.

SEC. 15. The terms of the supreme court shall, until provision is made by law, be held at such times as the judges of the said court, or a majority of them, may appoint. The first terms of the several district courts (except as hereinafter mentioned) shall commence on the first Monday in December, A. D. eighteen hundred and sixty-four. The first term of the district court in the fifth judicial district shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four, in the county of Nye, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-five, in the county of Churchill. The terms of the four judicial district court shall, until otherwise provided by law, be held at the county-seat of Washoe County, and the first term thereof commence on the first Monday of December, A. D. eighteen hundred and sixty-four.

SEC. 16. The judges of the several district courts of this state shall be paid, as hereinbefore provided, salaries at the following rates per annum: First judicial district (each judge), six thousand dollars; second judicial district, four thousand dollars; third judicial district, five thousand dollars; fourth judicial district, five thousand dollars; fifth judicial district, thirty-six hundred dollars; sixth judicial district, four thousand dollars; seventh judicial district, six thousand dollars; eighth judicial district, thirty-six hundred dollars; ninth judicial district, five thousand dollars.

SEC. 17. The salary of any judge in said judicial districts may, by law, be altered or changed, subject to the provisions contained in this constitution.

SEC. 18. The governor, lieutenant-governor, secretary of state, state treasurer, state controller, attorney-general, surveyor-general, clerk of the supreme court, and superintendent of public instruction, to be elected at the first election under this constitution, shall each qualify and enter upon the duties of their respective offices on the first Monday of December succeeding their election, and shall continue in office until the first Tuesday after the first Monday of January, A. D. eighteen hundred and sixty-seven, and until the election and qualification of their successors respectively.

SEC. 19. The judges of the supreme court and district judges to be elected at the first election under this constitution shall qualify and enter upon the duties of their respective offices on the first Monday of December succeeding their election.

SEC. 20. All officers of state, and district judges first elected under this constitution shall be commissioned by the governor of this territory, which commission shall be countersigned by the secretary of the same, and shall qualify, before entering upon the discharge of their duties, before any officer authorized to administer oaths under the laws of this territory; and also the state controller and state treasurer shall each respectively, before they qualify

l enter upon the discharge of their duties, execute and deliver to the retary of the Territory of Nevada an official bond, made payable to the ople of the State of Nevada, in the sum of thirty thousand dollars, to be roved by the governor of the Territory of Nevada, and shall also execute l deliver to the secretary of state such other or further official bond or ds as may be required by law.

SEC. 21. Each county, town, city, and incorporated village shall make vision for the support of its own officers subject to such regulations as y be prescribed by law.

SEC. 22. In case the office of any justice of the supreme court, district ge, or other state officer shall become vacant before the expiration of the ular term for which he was elected, the vacancy may be filled by appoint- nt by the governor, until it shall be supplied at the next general election, en it shall be filled by election for the residue of the unexpired term.

SEC. 23. All cases, both civil and criminal, which may be pending and letermined in the probate courts of the several counties at the time when, ler the provisions of this constitution, said probate courts are to be abol- ed, shall be transferred to and determined by the district courts of such nties respectively.

SEC. 24. For the first three years after the adoption of this constitution, legislature shall not levy a tax for state purposes exceeding one per cent annum on the taxable property in the state; provided, the legislature y levy a special tax, not exceeding one-fourth of one per cent per annum, ch shall be appropriated to the payment of the indebtedness of the Terri- y of Nevada assumed by the State of Nevada, and for that purpose only, il all of said indebtedness is paid.

SEC. 25. The county of Roop shall be attached to the county of Washoe judicial, legislative, revenue and county purposes until otherwise pro- d by law.

SEC. 26. At the first regular session of the legislature to convene under requirements of this constitution, provision shall be made by law for ing for the publication of six hundred copies of the debates and proceed- s of this convention in book form, to be disposed of as the legislature may ct; and the Hon. J. Neely Johnson, president of this convention, shall tract for, and A. J. Marsh, official reporter of this convention, under the ction of the president, shall supervise the publication of such debates and ceedings. Provision shall be made by law at such first session of the slature for the compensation of the official reporter of this convention. he shall be paid in coin or its equivalent. He shall receive, for his serv- in reporting the debates and proceedings, fifteen dollars per day during the ion of the convention, and seven and one-half dollars additional for each ing session, and thirty cents per folio of one hundred words for preparing same for publication; and for supervising and indexing such publication sum of fifteen dollars per day during the time actually engaged in such ice.

ARTICLE XVIII.

RIGHT OF SUFFRAGE.

SECTION 1. The rights of suffrage and office-holding shall not be with- from any male citizen of the United States by reason of his color or ious condition of servitude.[18]

ARTICLE XIX.

INITIATIVE AND REFERENDUM.

SECTION 1. Whenever ten per centum or more of the voters of this state, shown by the number of votes cast at the last preceding general election, l express their wish that any law or resolution made by the legislature

[18] Article XVIII is a new article; it was proposed and adopted by the legislature 877, re-adopted by the legislature of 1879, and ratified at the election of Novem- 2, 1880.

be submitted to a vote of the people, the officers charged with the duty announcing and proclaiming elections, and of certifying nominations, or qu tions to be voted on, shall submit the question of the approval or disappro of said law or resolution to be voted on at the next ensuing election wher a state or congressional officer is to be voted for, or wherein any quest may be voted on by the electors of the entire state.

SEC. 2. When a majority of the electors voting at a state election sh by their votes signify approval of a law or resolution, such law or resoluti shall stand as the law of the state, and shall not be overruled, annulled, aside, suspended, or in any way made inoperative except by the direct v of the people. When such majority shall so signify disapproval the law resolution so disapproved shall be void and of no effect.[19]

SEC. 3. The people reserve to themselves the power to propose laws a the power to propose amendments to the constitution and to enact or rej the same at the polls, independent of the legislature, and also reserve t power at their option to approve or reject at the polls, in the manner her provided, any act, item, section or part of any act or measure passed by t legislature, and section one of article four of the constitution shall hereaf be considered accordingly. The first power reserved by the people is t initiative, and not more than ten per cent (10%) of the qualified elect shall be required to propose any measure by initiative petition, and eve such petition shall include the full text of the measure so proposed. Init tive petitions, for all but municipal legislation, shall be filed with the sec tary of state not less than thirty (30) days before any regular session of t legislature; the secretary of state shall transmit the same to the legislatu as soon as it convenes and organizes. Such initiative measure shall ta precedence over all measures of the legislature except appropriation bi and shall be enacted or rejected by the legislature, without change or amen ment, within forty (40) days. If any such initiative measure so propos by petition as aforesaid, shall be enacted by the legislature and approved the governor in the same manner as other laws are enacted, same shall come a law, but shall be subject to referendum petition as provided in s tions one and two of this article. If said initiative measure be rejected the legislature, or if no action be taken thereon within said forty (40) da the secretary of state shall submit the same to the qualified electors approval or rejection at the next ensuing general election; and if a major of the qualified electors voting thereon shall approve of such measure it sh become a law and take effect from the date of the official declaration of t vote; an initiative measure so approved by the qualified electors shall n be annulled, set aside or repealed by the legislature within three (3) ye from the date said act takes effect. In case the legislature shall reject su initiative measure, said body may, with the approval of the governor, p pose a different measure on the same subject, in which event both measu shall be submitted by the secretary of state to the qualified electors for a proval or rejection at the next ensuing general election. The enacting clause all bills proposed by the initiative shall be: "The people of the State of Neva do enact as follows." The whole number of votes cast for justice of t supreme court at the general election last preceding the filing of any initiat petition shall be the basis on which the number of qualified electors requir to sign such petition shall be counted. The second power reserved by t people is the referendum, which shall be exercised in the manner provid in sections one and two of this article. The initiative and referendum pow in this article provided for are further reserved to the qualified electors each county and municipality as to all local, special and municipal legislati of every character in or for said respective counties or municipalities. T legislature may provide by law for the manner of exercising the initiat and referendum powers as to county and municipal legislation, but shall n

[19] Sections 1 and 2 are new sections; they were proposed and adopted by the leg lature of 1901, re-adopted by the legislature of 1903, and ratified at the election November 8, 1904.

quire a petition of more than 10 per cent (10%) of the qualified electors order the referendum, nor more than 15 per cent (15%) to propose any unicipal measure by initiative. If the conflicting measures submitted to e people at the next ensuing general election shall both be approved by a ajority of the votes severally cast for and against each of said measures, e measure receiving the highest number of affirmative votes shall thereupon come a law as to all conflicting provisions. The provision of this section all be self-executing, but legislation may be especially enacted to facilitate s operation.[20]

ELECTION ORDINANCE.

Whereas, The enabling act passed by Congress and approved March enty-first, A. D. eighteen hundred and sixty-four, requires that the con-ntion charged with the duty of framing a constitution for a state govern-ent "shall provide by ordinance for submitting said constitution to the ople of the Territory of Nevada for their ratification or rejection," on a rtain day prescribed therein; therefore this convention, organized in pur-ance of said enabling act, do establish the following

ORDINANCE.

SECTION 1. The governor of the Territory of Nevada is hereby authorized issue his proclamation for the submission of the constitution to the people said territory, for their approval or rejection, on the day provided for ch submission by act of Congress; and this constitution shall be submitted the qualified electors of said territory, in the several counties thereof, for eir approval or rejection, at the time provided by such act of Congress: d further, on the first Tuesday after the first Monday of November, A. D. ghteen hundred and sixty-four, there shall be a general election in the veral counties of said territory for the election of state officers, supreme d district judges, members of the legislature, representative in Congress, d three presidential electors.

SEC. 2. All persons qualified by the laws of said territory to vote for presentatives to the general assembly on the said twenty-first day of March, cluding those in the army of the United States, both within and beyond boundaries of said territory, and also all persons who may, by the afore d laws, be qualified to vote on the first Wednesday of September, A. D. hteen hundred and sixty-four, including those in the aforesaid army of United States, within and without the boundaries of said territory, may e for the adoption or rejection of said constitution, on the day last above med. In voting upon this constitution each elector shall deposit in the lot box a ticket, whereon shall be clearly written or printed "Constitu-n Yes" or "Constitution No," or such other words as shall clearly indi-e the intention of the elector.

SEC. 3. All persons qualified by the laws of said territory to vote on Tuesday after the first Monday in November, A. D. eighteen hundred and ty-four, including those in the army of the United States, within and ond the boundaries of said territory, may vote on the day last above named state officers, supreme and district judges, members of the legislature, presentative in Congress, and three presidential electors to the electoral lege.

SEC. 4. The elections provided in this ordinance shall be holden at such ces as shall be designated by the boards of commissioners of the several nties in said territory. The judges and inspectors of said elections shall appointed by said commissioners, and the said elections shall be conducted conformity with the existing laws of said territory in relation to holding general election.

SEC. 5. The judges and inspectors of said elections shall carefully count

[20] Section 3 is a new section; it was proposed and adopted by the legislature of 9, re-adopted by the legislature of 1911, and ratified at the election of November 912.

each ballot immediately after said elections and forthwith make duplica returns thereof to the clerks of the said county commissioners of their spective counties; and said clerks, within fifteen days after said election, sh transmit an abstract of the votes, including the soldiers' vote as herein p vided, given for state officers, supreme and district judges, representative Congress and three presidential electors, enclosed in an envelope, by t most safe and expeditious conveyance, to the governor of said territory, mark "Election Returns."

SEC. 6. Upon the receipt of said returns, including those of the soldie vote, or within twenty days after the election, if said returns be not soon received, it shall be the duty of the board of canvassers, to consist of t governor, United States district attorney, and chief justice of said territo or any two of them, to canvass the returns in the presence of all who m wish to be present, and if a majority of all the votes given upon this c stitution shall be in its favor, the said governor shall immediately publi an abstract of the same, and make proclamation of the fact in some new paper in said territory, and certify the same to the president of the Unit States, together with a copy of the constitution and ordinance. The sa board of canvassers, after canvassing the votes of the said November el tions, shall issue certificates of election to such persons as were elected sta officers, judges of the supreme and district courts, representative in Congr and three presidential electors. When the president of the United Sta shall issue his proclamation declaring this state admitted into the Union an equal footing with the original states, this constitution shall thencefo be ordained and established as the constitution of the State of Nevada.

SEC. 7. For the purpose of taking the vote of the electors of said ter tory who may be in the army of the United States, the adjutant-general said territory shall, on or before the fifth day of August next following, ma out a list in alphabetical order, and deliver the same to the governor, of t names of all the electors, residents of said territory, who shall be in t army of the United States, stating the number of the regiment, battali squadron, or battery to which he belongs, and also the county and tow ship of his residence in said territory.

SEC. 8. The governor shall classify and arrange the aforesaid return list, and shall make therefrom separate lists of the electors belonging to ea regiment, battalion, squadron, and battery from said territory, in the serv of the United States, and shall, on or before the fifteenth day of August f lowing, transmit, by mail or otherwise, to the commanding officer of ea regiment, battalion, squadron, and battery a list of electors belonging there which said list shall specify the name, residence, and rank of each elect and the company to which he belongs, if to any, and also the county a township to which he belongs, and in which he is entitled to vote.

SEC. 9. Between the hours of nine o'clock a. m. and three o'clock p. on each of the election days hereinbefore named, a ballot box or suita receptacle for votes shall be opened, under the immediate charge and dir tion of three of the highest officers in command, for the reception of vo from the electors whose names are upon said list, at each place where a re ment, battalion, squadron or battery of soldiers from said territory, in army of the United States, may be on that day, at which time and pl said elector shall be entitled to vote for all officers for which, by reason their residence in the several counties of said territory, they are authori to vote, as fully as they would be entitled to vote in the several coun or townships in which they reside, and the votes so given by such elect at such time and place, shall be considered, taken and held to have b given by them in the respective counties and townships in which they resident.

SEC. 10. Each ballot deposited for the adoption or rejection of this c stitution, in the army of the United States, shall have distinctly written printed thereon "Constitution—Yes," or "Constitution—No," or words of similar import; and further, for the election of state officers, supreme

district judges, members of the legislature, representative in Congress, and three presidential electors, the name and office of the person voted for shall be plainly written or printed on one piece of paper. The name of each elector voting as aforesaid shall be checked upon said list, at the time of voting, by one of the said officers having charge of the ballot box. The said officers having charge of the election shall count the votes and compare them with the checked lists immediately after the closing of the ballot box.

SEC. 11. All the ballots cast, together with the said voting list, checked as aforesaid, shall be immediately sealed up and sent forthwith to the governor of said territory at Carson City, by mail or otherwise, by the commanding officer, who shall make out and certify duplicate returns of votes given, according to the forms hereinafter prescribed, seal up and immediately transmit the same to the governor at Carson City, by mail or otherwise, the day following the transmission of the ballots and the voting list herein named. The said commanding officer shall also immediately transmit to the several county clerks in said territory, an abstract of the votes given at the general election in November, for county officers, marked "Election Returns."

SEC. 12. The forms of returns of votes to be made by the commanding officer to the governor and county clerks of said territory shall be in substance as follows, viz:

Returns of soldiers' votes in the (here insert the regiment, detachment, battalion, squadron, or battery).

(For first election—On the constitution.)

I, ————, hereby certify that on the first Wednesday of September, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert the name of the regiment, detachment, battalion, squadron, or battery) cast the following number of votes for and against the constitution for the State of Nevada, viz.:

For constitution —(number of votes written in full and in figures).

Against constitution—(number of votes written in full and in figures).

(Second election—For state and other officers.)

I, ————, hereby certify that on the first Tuesday after the first Monday in November, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert as above) cast the following number of votes for the several officers and persons hereinafter named, viz.:

For governor —(names of persons voted for, number of votes for each person voted for, written in full, and also in figures, against the name of each person).

For lieutenant-governor—(names of candidates, number of votes cast for each written out and in figures as above).

Continue as above until the list is completed.

Attest: I. A. B.

Commanding officer of the (here insert regiment, detachment, battalion, squadron, or battery, as the case may be).

SEC. 13. The governor of this territory is requested to furnish each commanding officer, within and beyond the boundaries of said territory, proper and sufficient blanks for said returns.

SEC. 14. The provisions of this ordinance in regard to the soldiers' vote shall apply to future elections under this constitution, and be in full force until the legislature shall provide by law for taking the votes of citizens of said territory in the army of the United States.

Done in convention, at Carson City, the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-ninth, and signed by the delegates.

J. NEELY JOHNSON,
President of the Convention and Delegate from Ormsby County.

M. M. GILLESPIE, Secretary.

CONSTITUTION OF NEW HAMPSHIRE—1912.*

PART FIRST.

BILL OF RIGHTS.

ARTICLE 1. All men are born equally free and independent; therefore a government of right originates from the people, is founded in consent, an instituted for the general good.

ART. 2.[1] All men have certain natural, essential, and inherent right among which are the enjoying and defending life and liberty, acquiring, po sessing and protecting property, and, in a word, of seeking and obtaini happiness.

ART. 3. When men enter into a state of society they surrender up son of their natural rights to that society in order to insure the protection others; and, without such an equivalent, the surrender is void.

ART. 4. Among the natural rights, some are in their very nature unalie able, because no equivalent can be given or received for them. Of this ki are the rights of conscience.

ART. 5. Every individual has a natural and unalienable right to worsh God according to the dictates of his own conscience and reason; and no su ject shall be hurt, molested or restrained, in his person, liberty or estate, f worshiping God in the manner and season most agreeable to the dictates his own conscience, or for his religious profession, sentiments or persuasio provided he doth not disturb the public peace or disturb others in their re gious worship.

ART. 6. As morality and piety, rightly grounded on evangelical prin ples, will give the best and greatest security to government, and will lay

* On May 28, 1774, the house of representatives of the province of New Ham shire appointed a committee of several members to correspond with the committees the other colonies and to submit a report of their proceedings to the house. This co mittee called a convention of delegates from the several towns which met at Exeter July 21, 1774. Four other similar conventions followed, the last one convening on D cember 21, 1775. On January 5, 1776, the convention resolved itself into a house representatives and adopted and promulgated a constitution. This constitution w not submitted to the electors for approval; it was the first constitution adopted by American commonwealth, and it remained in force until June 2, 1784. The seco constitutional convention met at Concord on the second Wednesday of June, 1778, a on June 5, 1779, completed a constitution which was submitted to the electors a completely rejected. The third convention met at Concord on the first Tuesday June, 1781, and continued in existence for over two years. Two constitutions we framed and submitted to the voters and rejected. The third constitution framed w ratified and became effective on June 2, 1784. The fourth constitutional convention m on September 7, 1791; on February 24, 1792, seventy-two amendments were submitt to the electors and were voted on on the first Monday in May, 1792. Forty-six amen ments were adopted and twenty-six rejected; this partial adoption rendered the pr posed constitution contradictory and inconsistent. Other amendments necessary to ma the constitution consistent were submitted to the people on August 27, 1792, and we adopted. On September 5, 1792, the constitution was declared adopted. The questi of calling a constitutional convention was submitted to the electors in 1799, 1806, 182 twice in 1833, 1837, 1844 and 1846, and rejected by large majorities. In 1849 the que tion was again submitted and was approved and the fifth constitutional convention a sembled on November 6, 1850. On January 3, 1851, fifteen amendments were subm ted to the voters and all were rejected. On re-assembling, the convention resolved submit three other amendments, or in fact three of the amendments which had be rejected. These amendments were submitted to the voters on March 9, 1852, and o was adopted and two rejected. In 1857, 1860, 1862, 1864, 1868 and 1869 the questi of calling a convention was again submitted to the electors and rejected. In 1875 large majority of the people favored a convention and the sixth convention met December 6, 1876. Thirteen proposed amendments were submitted to the voters on t second Tuesday of March, 1877, and all but two were adopted. In 1883, the peo voted against a convention and in 1885 in favor and the seventh convention met January 2, 1889. Seven proposed amendments were submitted to the people and fi were approved. In 1893 and in 1895 the people again voted against a convention a in 1899 in favor and the eighth convention met in 1902 and a subsequent conventi was held in 1912.

[1] The word or abbreviation "Art.", after the first Article in this and the followi articles of the Bill of Rights was first inserted in the general statutes of 1867.

the hearts of men the strongest obligations to due subjection, and as the knowledge of these is most likely to be propagated through a society by the institution of the public worship of the DEITY and of public instruction in morality and religion, therefore, to promote these important purposes, the people of this state have a right to empower, and do hereby fully empower, the legislature to authorize, from time to time, the several towns, parishes, bodies corporate, or religious societies within this state to make adequate provision, at their own expense, for the support and maintenance of public Protestant teachers of piety, religion, and morality. Provided, notwithstanding, that the several towns, parishes, bodies corporate or religious societies shall at all times have the exclusive right of electing their own public teachers, and of contracting with them for their support and maintenance. And no person of any one particular religious sect or denomination shall ever be compelled to pay towards the support of the teacher of teachers of another persuasion, sect or denomination. And every denomination of Christians, demeaning themselves quietly and as good subjects of the state, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law. And nothing herein shall be understood to affect any former contracts made for the support of the ministry; but all such contracts shall remain and be in the same state as if this constitution had not been made.

ART. 7. The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right pertaining thereto which is not or may not hereafter be by them expressly delegated to the United States of America in congress assembled.

ART. 8. All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them.

ART. 9. No office or place whatsoever in government shall be hereditary, the abilities and integrity requisite in all not being transmissible to posterity or relations.

ART. 10. Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men, therefore, whenever the ends of government are perverted and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to, reform the old or establish a new government. The doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

ART. 11. All elections ought to be free; and every inhabitant of the state, having the proper qualifications, has equal right to elect and be elected into office; but no person shall have the right to vote, or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and to write, [provided, however, that this provision shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards on the first day of January, A. D. 1904,[2] [and provided further, that no person shall have the right to vote, or be eligible to office under the constitution of this state who shall have been convicted of treason, bribery, or any wilful violation of the election laws of this state or of the United States; but the Supreme Court may, on notice to the attorney-general restore the privileges of an elector to any person who may have forfeited them by conviction of such offenses.][3]

ART. 12. Every member of the community has a right to be protected by it in the enjoyment of his life, liberty and property. He is, therefore, bound to contribute his share in the expense of such protection, and to yield his

[2] Inserted in 1902.
[3] Inserted in 1912.

personal service, when necessary, or an equivalent. But no part of a man's property shall be taken from him or applied to public uses without his own consent or that of the representative body of the people. Nor are the inhabitants of this state controllable by any other laws than those to which they or their representative body have given their consent.

ART. 13. No person who is conscientiously scrupulous about the lawfulness of bearing arms shall be compelled thereto, provided he will pay an equivalent.

ART. 14. Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property or character; to obtain right and justice freely, without being obliged to purchase it; completely and without any denial; promptly, and without delay; conformably to the laws.

ART. 15. No subject shall be held to answer for any crime or offense until the same is fully and plainly, substantially and formally, described to him, or be compelled to accuse or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to himself, to meet the witnesses against him face to face, and to be fully heard in his defense by himself and counsel. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land.

ART. 16. No subject shall be liable to be tried, after an acquittal, for the same crime or offense; nor shall the legislature make any law that shall subject any person to a capital punishment (excepting for the government of the army and navy, and the militia in actual service) without trial by jury.

ART. 17. In criminal prosecutions, the trial of facts in the vicinity where they happen is so essential to the security of the life, liberty, and estate of the citizen, that no crime or offense ought to be tried in any other county than that in which it is committed, except in cases of general insurrection in any particular county, when it shall appear to the judges of the superior court that an impartial trial cannot be had in the county where the offense may be committed, and, upon their report, the [legislature][4] shall think proper to direct the trial in the nearest county in which an impartial trial can be obtained.

ART. 18. All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves and to commit the most flagrant with as little compunction as they do[5] the lightest [offenses.][6] For the same reason, a multitude of sanguinary laws is both impolitic and unjust, the true design of all punishments being to reform, not to exterminate, mankind.

ART. 19. Every subject hath a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. Therefore, all warrants to search suspected places or arrest a person for examination or trial, in prosecutions for criminal matters, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order, in a warrant to a civil officer, to make search in suspected places or to arrest one or more suspected persons or to seize their property, be not accompanied with a special designation of the person or object of search, arrest, or seizure; and no warrant ought to be issued but in cases and with the formalities prescribed by law.[7]

ART. 20. In all controversies concerning property and in all suits between

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[4] Substituted for "assembly" in 1793.
[5] The words "those of" stricken out in 1793.
[6] The word "offenses" was substituted for the word "dye" in 1793.
[7] Article 19 was substituted for the original article 19 in 1793.

two or more persons, except in cases in which it has been heretofore otherwise used and practiced, [and except in cases in which the value in controversy does not exceed one hundred dollars and title of real estate is not concerned,][8] the parties have a right to trial by jury; and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relate to mariners' wages, the legislature shall think it necessary hereafter to alter it.

ART. 21. In order to reap the fullest advantage of the inestimable privilege of trial by jury, great care ought to be taken that none but qualified persons should be appointed to serve; and such ought to [be][9] fully compensated for their travel, time, and attendance.

ART. 22. The liberty of the press is essential to the security of freedom in a state; it ought, therefore, to be inviolably preserved.

ART. 23. Retrospective laws are highly injurious, oppressive, and unjust. No such laws, therefore, should be made, either for the decision of civil causes or the punishment of offenses.

ART. 24. A well-regulated militia is the proper, natural, and sure defense of a state.

ART. 25. Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the legislature.

ART. 26. In all cases and at all times, the military ought to be under strict subordination to, and governed by, the civil power.

ART. 27. No soldier, in time of peace, shall be quartered in any house without the consent of the owner; and, in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

ART. 28. No subsidy, charge, tax, impost, or duty shall be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature, or authority derived from that body.

ART. 29. The power of suspending the laws or the execution of them ought never to be exercised but by the legislature, or by authority derived therefrom, to be exercised in such particular cases only as the legislature shall expressly provide for.

ART. 30. The freedom of deliberation, speech, and debate in either house of the legislature is so essential to the rights of the people, that it cannot be the foundation of any action, complaint, or prosecution in any other court or place whatsoever.

ART. 31. The legislature shall assemble for the redress of public grievances and for making such laws as the public good may require.[10]

ART. 32. The people have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

ART. 33. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines or inflict cruel or unusual punishments.

ART. 34. No person can in any case be subjected to law martial or to any pains or penalties by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

ART. 35. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold

[8] Inserted in 1877.
[9] Not in engrossed copy of 1793.
[10] Article 31 was substituted for the original article 31 in 1793.

their offices so long as they behave well, subject, however, to such limitations on account of age as may be provided by the constitution of the state; and that they should have honorable salaries, ascertained and established by standing laws.[11]

ART. 36. Economy being a most essential virtue in all states, especially in a young one, no pension should be granted but in consideration of actual services; and such pensions ought to be granted with great caution by the legislature, and never for more than one year at a time.

ART. 37. In the government of this state, the three essential powers thereof—to wit, the legislative, executive, and judicial—ought to be kept as separate from, and independent of, each other as the nature of a free government will admit or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity.

ART. 38. A frequent recurrence to the fundamental principles of the constitution and a constant adherence to justice, moderation, temperance, industry, frugality, and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government. The people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.

PART SECOND.

FORM OF GOVERNMENT.

ARTICLE 1.[12] The people inhabiting the territory formerly called The Province of New Hampshire do hereby solemnly and mutually agree with each other to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE STATE OF NEW HAMPSHIRE.

GENERAL COURT.

ART. 2. The supreme legislative power within this state shall be vested in the senate and house of representatives, each of which shall have a negative on the other.

ART. 3. The senate and house shall assemble [biennially,][13] on the first Wednesday of [January][14] and at such other times as they may judge necessary, and shall dissolve and be dissolved seven days next preceding the said first Wednesday of [January][14] [biennially.][15] and shall be styled THE GENERAL COURT OF NEW HAMPSHIRE.

ART. 4. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record or other courts, to be holden in the name of the state, for the hearing, trying, and determining all manner of crimes, offenses, pleas, processes, plaints, actions, causes, matters, and things whatsoever, arising or happening within this state, or between or concerning persons inhabiting, or residing, or brought within the same, or whether the same be criminal or civil, or whether the crimes be capital or not capital, and whether the said pleas be real, personal, or mixed, and for the awarding and issuing execution thereon; to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations for the better discovery of truth in any matter in controversy or depending before them.

ART. 5. And, further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and

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[11] Article 35 was substituted for the original article 35 in 1793.

[12] The word or abbreviation "Art." in this and the following articles was first inserted in the revised statutes of 1842.

[13] Substituted for "every year" in 1879.

[14] Substituted for "June" in 1889.

[15] Substituted for "annually" in 1879.

establish all manner of wholesome and reasonable orders, laws, statutes, ordinances, directions, and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they may judge for the benefit and welfare of this state and for the governing and ordering thereof and of the subjects of the same, for the necessary support and defense of the government thereof; and to name and settle [biennially,][16] or provide by fixed laws for the naming and settling all civil officers within this state, such officers excepted the election and appointment of whom are hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits of the several civil and military officers of this state, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and, also, to impose fines, mulcts, imprisonments, and other punishments; and to impose and levy proportional and reasonable assessments, rates, and taxes upon all the inhabitants of, and residents within, the said state, and upon all estates within the same, to be issued and disposed of by warrant, under the hand of the [governor][17] of this state for the time being, with the advice and consent of the council, for the public service, in the necessary defense and support of the government of this state and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same. [Provided, that the general court shall not authorize any town to loan or give its money or credit, directly or indirectly, for the benefit of any corporation having for its object a dividend of profits, or in any way aid the same by taking its stock or bonds.][18]

ART. 6. The public charges of government or any part thereof may be raised by taxation upon polls, estates, and other classes of property, including franchises and property when passing by will or inheritance; and there shall be a valuation of the estates within the state taken anew once in every five years, at least, and as much oftener as the general court shall order.[19]

ART. 7. No member of the general court shall take fees, be of counsel or act as advocate in any cause before either branch of the legislature; and, upon due proof thereof, such member shall forfeit his seat in the legislature.[20]

ART. 8. The doors of the galleries of each house of the legislature shall be kept open to all persons who behave decently, except when the welfare of the state, in the opinion of either branch, shall require secrecy.[21]

HOUSE OF REPRESENTATIVES.[22]

ART. 9. There shall be, in the legislature of this state, a representation of the people, biennially elected, and founded upon principles of equality, and, in order that such representation may be as equal as circumstances will admit, every town, or place entitled to town privileges, and wards of cities having six hundred inhabitants by the last general census of the state, taken by authority of the United States, or of this state, may elect one representative; if eighteen hundred such inhabitants, may elect two representatives; and so proceeding in that proportion, making twelve hundred such inhabitants the mean increasing number for any additional representative: provided, that no town shall be divided or the boundaries of the wards of any city so altered as to increase the number of representatives to which such town or city may be entitled by the next preceding census; and provided, further, that, to those towns and cities which since the last census have been divided or had their boundaries or ward lines changed, the general court, in session next before these amendments shall take effect, shall equitably

[16] First inserted in the copy of the constitution in the general laws of 1878, apparently without authority.
[17] Substituted for "president" in 1793.
[18] The proviso was added in 1879.
[19] The whole of article 6 was re-written in 1902.
[20] Inserted in 1793.
[21] Inserted in 1793.
[22] Provisions under this head followed those under head "Senate" prior to 1793.

apportion representation in such manner that the number shall not be greater than it would have been had no such division or alteration been made.[23]

ART. 10. Whenever any town, place, or city ward shall have less than six hundred such inhabitants, [24] the general court [shall][25] authorize such town, place or ward to elect and send to the general court [a representative][26] such proportionate part of the time as the number of its inhabitants shall bear to six hundred; but the general court shall not authorize any [such][26] town, place or ward to elect and send such representative, except as herein provided.[27]

ART. 11. The members of the house of representatives shall be chosen [biennially,][28] in the month of [November,][29] and shall be the second branch of the legislature.

ART. 12. All persons qualified to vote in the election of senators shall be entitled to vote, within the[30] district[31] where they dwell, in the choice of representatives.

ART. 13. Every member of the house of representatives shall be chosen by ballot, and, for two years, at least, next preceding his election, shall have been an inhabitant of this state;[32] shall be, at the time of his election, an inhabitant of the town, parish, or place he may be chosen to represent;[33] and shall cease to represent such town, parish, or place immediately on his ceasing to be qualified as aforesaid.

ART. 14. The presiding officers of both houses of the legislature shall severally receive out of the state treasury as compensation in full for their services, for the term elected, the sum of two hundred and fifty dollars, and all other members thereof seasonably attending and not departing without license, the sum of two hundred dollars, exclusive of mileage: provided, however, that when a special session shall be called by the governor, such officers and members shall receive for attendance an additional compensation of three dollars per day for a period not exceeding fifteen days, and the usual mileage.[34]

ART. 15. All intermediate vacancies in the house of representatives may be filled up from time to time in the same manner as [biennial][35] elections are made.

ART. 16. The house of representatives shall be the grand inquest of the state, and all impeachments made by them shall be heard and tried by the senate.

ART. 17. All money bills shall originate in the house of representatives, but the senate may propose or concur with amendments, as on other bills.

ART. 18. The house of representatives shall have power to adjourn themselves, but no longer than two days at a time.

ART. 19. A majority of the members of the house of representatives shall be a quorum for doing business, but, when less than two-thirds of the representatives elected shall be present, the assent of two-thirds of those members shall be necessary to render their acts and proceedings valid.

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[23] Substituted for the original article 9 in 1878.

[24] The clause "and be so situated that it cannot conveniently be classed with any other town, place, or ward" was stricken out in 1889.

[25] Substituted for "may" in 1889.

[26] Inserted in 1889.

[27] The original article 10 was stricken out in 1889, and from this article onward the articles were renumbered.

[28] Substituted for "annually" in 1878.

[29] Substituted for "March" in 1878.

[30] The word "town" left out in the engrossed copy of 1793, apparently without authority.

[31] The words "parish or place" left out in the engrossed copy in 1793, apparently without authority.

[32] The words "shall have an estate within the town, parish or place which he may be chosen to represent of the value of one hundred pounds, one-half of which to be a freehold whereof he is seized in his own right" was stricken out in 1852.

[33] The words "shall be of the Protestant religion" stricken out in 1897.

[34] Section 1 of Amendment 26 of 1793, which was substituted for the original Article 6 under "House of Representatives," was stricken out and the above article inserted in 1889.

[35] Substituted for "annual" in 1878.

ART. 20. No member of the house of representatives or senate shall be arrested or held to bail on mesne process during his going to, returning from, or attendance upon, the court.

ART. 21. The house of representatives shall choose their own speaker, appoint their own officers, and settle the rules of proceedings in their own house. [and shall be judge of the returns, elections, and qualifications of its members, as pointed out in this constitution.][36] They shall have authority to punish by imprisonment every person who shall be guilty of disrespect to the house, in its presence, by any disorderly and contemptuous behavior, or by threatening or ill treating any of its members, or by obstructing its deliberations; every person guilty of a breach of its privileges in making arrests for debt, or by assaulting any member during his attendance at any session: in assaulting or disturbing any one of its officers in the execution of any order or procedure of the house; in assaulting any witness or other person ordered to attend by, and during his attendance of, the house, or in rescuing any person arrested by order of the house, knowing them to be such.

ART. 22. The senate, [governor,][37] and council shall have the same powers in like cases, provided, that no imprisonment by either for any offense exceed ten days.

ART. 23. The journals of the proceedings and all public acts of both houses of the legislature shall be printed and published immediately after every adjournment or prorogation, and, upon motion made by any one member, the yeas and nays upon any question shall be entered on the journal, and any member of the senate or house of representatives shall have a right, on motion made at the time for that purpose, to have his protest or dissent, with the reasons, against any vote, resolve, or bill passed, entered on the journal.

SENATE.[38]

ART. 24. The senate shall consist of [twenty-four][39] members, who shall hold their office for [two years][40] from the first Wednesday of [January][41] next ensuing their election.

ART. 25. And, that the state may be equally represented in the senate, the legislature shall, from time to time, divide the state into [twenty-four][42] districts, as nearly equal as may be without dividing towns and unincorporated places; and, in making this division, they shall govern themselves by the proportion of direct taxes paid by the said districts, and timely make known to the inhabitants of the state the limits of each district.

ART. 26. The free holders and other inhabitants of each district qualified as in this constitution is provided, shall, [biennially][43] give in their votes for a senator at some meeting holden in the month of [November.][44]

ART. 27. The senate shall be the first branch of the legislature, and the senators shall be chosen in the following manner, viz.: every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this state, of twenty-one years of age and upward, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the [biennial][45] or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden [biennially,][46] forever, in the month of [November,][47] to vote, in the town or parish wherein he dwells, for the senator in the district whereof he is a member.

[36] Inserted in 1793.
[37] Substituted for "president" in 1793.
[38] All of the provisions relating to the senate were stricken out in 1793 and the present provisions inserted.
[39] Substituted for "twelve" in 1878.
[40] Substituted for "one year" in 1878.
[41] Substituted for "June" in 1889.
[42] Substituted for "twelve" in 1878.
[43] Substituted for "annually" in 1878.
[44] Substituted for "March" in 1878.
[45] Substituted for "annual" in 1878.
[46] Substituted for "annually" in 1878.
[47] Substituted for "March" in 1878.

ART. 28. Provided, nevertheless, that no person shall be capable of being elected a senator[48] who is not of the age of thirty years, and who shall not have been an inhabitant of this state for seven years immediately preceding his election; and, at the time thereof, he shall be an inhabitant of the district for which he shall be chosen.

ART. 29. And every person qualified as the constitution provides shall be considered an inhabitant, for the purpose of electing and being elected into any office or place within this state, in the town, parish, and plantation where he dwelleth and hath his home.

ART. 30. And the inhabitants of plantations and places unincorporated, qualified as this constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators, in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meetings of such plantations and places, for that purpose, shall be holden [biennially][49] in the month of [November,][50] at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this constitution.

ART. 31. The meetings for the choice of governor, council, and senators shall be warned by warrant from the selectmen, and governed by a moderator who shall, in the presence of the selectmen (whose duty it shall be to attend) in open meeting, receive the votes of all the inhabitants of such towns and parishes present and qualified to vote for senators; and shall, in said meetings, in presence of the said selectmen and of the town clerk in said meetings, sort and count the said votes, and make a public declaration thereof with the name of every person voted for and the number of votes for each person; and the town clerk shall make a fair record of the same, at large in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the secretary of the state, with a superscription expressing the purport thereof; and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which said town or parish shall lie thirty days, at least, before the first Wednesday of [January,][51] or to the secretary of the state at least twenty days before the said first Wednesday of [January;][51] and the sheriff of each county or his deputy shall deliver all such certificates by him received into the secretary's office at least twenty days before the first Wednesday of [January.][51]

ART. 32. And, that there may be a due meeting of senators on the first Wednesday of [January,][51] [biennially,][49] the governor and a majority of the council for the time being shall, as soon as may be, examine the returned copies of such records, and, fourteen days before the first Wednesday of [January,][51] he shall issue his summons to such persons as appear to be chosen senators by a [plurality][52] of votes to attend and take their seats on that day; provided, nevertheless, that, for the first year, the said returned copies shall be examined by the president and a majority of the council then in office; and the said president shall, in like manner, notify the persons elected to attend and take their seats accordingly.

ART. 33. And in case there shall not appear to be a senator elected by [plurality][52] of votes for any district, the deficiency shall be supplied in the following manner, viz.: the members of the house of representatives and such senators as shall be declared elected shall take the names of the two persons having the highest number of votes in the district, and out of them shall elect, by joint ballot, the senator wanted for such district; and, in this man-

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[48] The words "who is not of the Protestant religion" were stricken out in 1877 and the words "and seized of a freehold estate in his own right of the value of two hundred pounds, lying within the state" were stricken out in 1852.

[49] Substituted for "annually" in 1878.

[50] Substituted for "March" in 1878.

[51] Substituted for "June" in 1889.

[52] Substituted for "majority" in 1912.

ner, all such vacancies shall be filled up in every district of the state; [all vacancies in the senate arising by death, removal out of the state, or otherwise, except from failure to elect, shall be filled by a new election by the people of the district, upon the requisition of the governor, as soon as may be after such vacancies shall happen.][53]

ART. 34. The senate shall be final judges of the elections, returns and qualifications of their own members, as pointed out in this constitution.

ART. 35. The senate shall have power to adjourn themselves, provided such adjournment do not exceed two days at a time; provided, nevertheless, that, whenever they shall sit on the trial of any impeachment, they may adjourn to such time and place as they may think proper, although the legislature be not assembled on such day or at such place.

ART. 36. The senate shall appoint their president and other officers, and determine their own rules of proceedings. And not less than [thirteen][54] members of the senate shall make a quorum for doing business; and, when less than [sixteen][55] senators shall be present, the assent of [ten,][56] at least, shall be necessary to render their acts and proceedings valid.

ART. 37. The senate shall be a court, with full power and authority to hear, try and determine all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice or maladministration in office, with full power to issue summons or compulsory process for convening witnesses before them; but, previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question according to evidence. And every officer impeached for bribery, corruption, malpractice or maladministration in office shall be served with an attested copy of the impeachment and order of senate thereon, with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and, such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs and of making his defense by himself and counsel; and may also, upon his refusing or neglecting to appear, hear the proofs in support of the impeachment, and render judgment thereon, his non-appearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

ART. 38. Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust or profit under this state; but the party so convicted shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to the laws of the land.

ART. 39. Whenever the governor shall be impeached, the chief justice of the supreme judicial court shall, during the trial, preside in the senate, but have no vote therein.

EXECUTIVE POWER.—GOVERNOR.[57]

ART. 40. There shall be a supreme executive magistrate, who shall be styled Governor of the State of New Hampshire, and whose title shall be His Excellency.

ART. 41. The governor shall be chosen [biennially,][58] in the month of

[53] Substituted in 1889 for the provision "and, in like manner, all vacancies in the senate, arising from death, removal out of the state, or otherwise, shall be supplied as soon as may be after such vacancies happen."
[54] Substituted for "seven" in 1879.
[55] Substituted for "eight" in 1879.
[56] Substituted for "five" in 1879.
[57] All of the provisions relating to the "President" were stricken out in 1793 and the present provisions inserted.
[58] Substituted for "annually" in 1878.

[November,][59] and the votes for governor shall be received, sorted, counte certified and returned in the same manner as the votes for senators; and th secretary shall lay the same before the senate and house of representative on the first Wednesday of [January,][60] to be by them examined; and, case of an election by a [plurality][61] of votes through the state, the choic shall be by them declared and published; and the qualifications of electo of the governor shall be the same as those for senators; and, if no perso shall have a plurality of votes, the senate and house of representatives sha by a joint ballot, elect one of the two persons having the highest number votes, who shall be declared governor. And no person shall be eligible this office unless, at the time of his election, he shall have been an inhabita of this state for seven years next preceding, and unless he shall be of th age of thirty years.[62]

ART. 42. In cases of disagreement between the two houses with rega to the time or place of adjournment or prorogation, the governor, with advi of council, shall have the right to adjourn or prorogue the general court, n exceeding ninety days at any one time, as he may determine the public goo may require; and he shall dissolve the same seven days before the said fir Wednesday of [January.][63] And, in case of any infectious distemper pr vailing in the place where the said court at any time is to convene, or an other cause whereby dangers may arise to the health or lives of the me bers from their attendance the governor may direct the session to be held at some other, the most convenient, place within the state.

ART. 43. Every bill which shall have passed both houses of the gener court shall, before it becomes a law, be presented to the governor; if approve, he shall sign it, but if not, he shall return it, with his objection to that house in which it shall have originated, who shall enter the obj tions at large on their journal and proceed to reconsider it. If, after su reconsideration, two-thirds of that house shall agree to pass the bill, it sh be sent, together with such objections, to the other house, by which it sh likewise be reconsidered; and, if approved by two-thirds of that house, it sh become a law. But, in all such cases, the votes of both houses shall determined by yeas and nays, and the names of the persons voting for against the bill shall be entered on the journal of each house respective If any bill shall not be returned by the governor within five days (Sunda excepted) after it shall have been presented to him, the same shall be a l in like manner as if he had signed it, unless the legislature, by their adjou ment, prevent its return, in which case it shall not be a law.

ART. 44. Every resolve shall be presented to the governor, and, befo the same shall take effect, shall be approved by him, or, being disapprov by him, shall be repassed by the senate and house of representatives, acco ing to the rules and limitations prescribed in the case of a bill.

ART. 45. All judicial officers, the attorney-general,[64] coroners,[65] and officers of the navy and general and field officers of the militia, shall be no inated and appointed by the governor and council; and every such nominat shall be made at least three days prior to such appointment; and no appoi ment shall take place unless a majority of the council agree thereto.

ART. 46. The governor and council shall have a negative on each oth both in the nominations and appointments. Every nomination and appo ment shall be signed by the governor and council, and every negative sh be also signed by the governor or council who made the same.

ART. 47. The captains and subalterns in the respective regiments sh

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[59] Substituted for "March" in 1878.
[60] Substituted for "June" in 1889.
[61] Substituted for "majority" in 1912.
[62] The provision, "and unless he shall at the same time have an estate of the va of five hundred pounds, one-half of which shall consist of a freehold of his own ri within this state" was stricken out in 1852, and the provisions, "and unless he shall of the Protestant religion" was stricken out in 1877.
[63] Substituted for "June" in 1889.
[64] The words "solicitors, all sheriffs" were stricken out in 1879.
[65] The words "registers of probate" were stricken out in 1879.

e nominated and recommended by the field officers to the governor, who is o issue their commissions immediately on receipt of such recommendation; provided, that no person shall be so nominated and recommended until he hall have been examined and found duly qualified by an examining board ppointed by the governor.][66]

ART. 48. Whenever the chair of the governor shall become vacant, by eason of his death, absence from the state, or otherwise, the president of he senate shall, during such vacancy, have and exercise all the powers and uthorities, which, by this constitution, the governor is vested with when ersonally present; but, when the president of the senate shall exercise the ffice of governor, he shall not hold his office in the senate. [Whenever the hair both of the governor and of the president of the senate shall become acant, by reason of their death, absence from the state, or otherwise, the peaker of the house shall, during such vacancies, have and exercise all the owers and authorities which, by this constitution, the governor is vested ith when personally present; but when the speaker of the house shall exerise the office of governor, he shall not hold his office in the house.][67]

ART. 49. The governor, with advice of council, shall have full power and uthority, in recess of the general court, to prorogue the same from time to me, not exceeding ninety days in any one recess of said court; and, during ie sessions of said court, to adjourn or prorogue it to any time the two ouses may desire; and to call it together sooner than the time to which it ay be adjourned or prorogued, if the welfare of the state should require ie same.

ART. 50. The governor of this state, for the time being, shall be comander-in-chief of the army and navy and all the military forces of the state sea and land; and shall have full power, by himself or by any chief comander or other officer or officers, from time to time to train, instruct, exerse, and govern the militia and navy; and for the special defense and safety this state, to assemble in martial array and put in warlike posture the habitants thereof and to lead and conduct them, and with them to enounter, repulse, repel, resist, and pursue by force of arms, as well by sea by land, within and without the limits of this state; and also to kill, ay, destroy, if necessary, and conquer, by all fitting ways, enterprise, and eans all and every such person and persons as shall at any time hereafter, a hostile manner, attempt or enterprise the destruction, invasion, detri ent or annoyance of this state; and to use and exercise over the army and vy and over the militia in actual service the law martial, in time of war, vasion, and also in rebellion declared by the legislature to exist, as occaon shall necessarily require; and surprise, by all ways and means whatever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the vading, conquering, or annoying this state; and, in fine, the governor reby is intrusted with all other powers incident to the office of captainneral and commander-in-chief and admiral, to be exercised agreeably to the les and regulations of the constitution and laws of the land, provided, that e governor shall not at any time hereafter, by virtue of any power by this nstitution granted or hereafter to be granted to him by the legislature, ansport any of the inhabitants of this state or oblige them to march out the limits of the same without their free and voluntary consent or the con t of the general court, nor grant commissions for exercising the law martial any case without the advice and consent of the council.

ART. 51. The power of pardoning offenses, except such as persons may convicted of before the senate, by impeachment of the house, shall be in governor, by and with the advice of council; but no charter of pardon, anted by the governor with advice of council, before conviction, shall avail party pleading the same, notwithstanding any general or particular ex-

[66] Inserted in 1902.
[67] Inserted in 1889.

pressions contained therein, descriptive of the offense or offenses intended t
be pardoned.

ART. 52. No officer, duly commissioned to command in the militia, sha
be removed from his office but by the address of both houses to the governo
or by fair trial in court martial pursuant to the laws of the state for th
time being.

ART. 53. The commanding officers of the regiments shall appoint the
adjutants and quartermasters; the brigadiers, their brigade-majors; the majo
generals, their aids; the captains and subalterns, their non-commissioned officer

ART. 54. The division of the militia into brigades, regiments and co
panies, made in pursuance of the militia laws now in force, shall be co
sidered as the proper division of the militia of this state, until the same sha
be altered by some future law.

ART. 55. No moneys shall be issued out of the treasury of this state a
disposed of (except such sums as may be appropriated for the redempti
of bills of credit or treasurer's notes or for the payment of interest arisi
thereon) but by warrant under the hand of the governor for the time bei
by and with the advice and consent of the council, for the necessary suppo
and defense of this state and for the necessary protection and preservati
of the inhabitants thereof, agreeably to the acts and resolves of the gener
court.

ART. 56. All public boards, the commissary-general, all superintendi
officers of public magazines and stores belonging to this state, and all co
manding officers of forts and garrisons within the same shall, once in eve
three months, officially and without requisition, and at other times when
quired by the governor, deliver to him an account of all goods, stores, p
visions, ammunition, cannon with their appendages, and all small arms w
their accoutrements, and all other public property under their care resp
tively, distinguishing the quantity and kind of each as particularly as may b
together with the condition of such forts and garrisons. And the comman
ing officer shall exhibit to the governor, when required by him, true and exa
plans of such forts, and of the land and sea, or harbor or harbors adjace

ART. 57. The governor and council shall be compensated for their se
ices, from time to time, by such grants as the general court shall thi
reasonable.

ART. 58. Permanent and honorable salaries shall be established by l
for the justices of the superior court.

COUNCIL.[68]

ART. 59. There shall be [biennially][69] elected by ballot five councilors,
advising the governor in the executive part of government. The freehold
and other inhabitants in each county, qualified to vote for senators, sh
some time in the month of [November],[70] give in their votes for one co
cilor, which votes shall be received, sorted, counted, certified and returned
the secretary's office, in the same manner as the votes for senators, to
by the secretary laid before the senate and house of representatives on
first Wednesday of [January].[71]

ART. 60. And the person having a [plurality][72] of votes in any cou
shall be considered as duly elected a councilor; but, if no person sh
have a [plurality][72] of votes in any county, the senate and house of repres-
atives shall take the names of the two persons who have the highest number
votes in each county and not elected, and out of those two shall elect,
joint ballot, the councilor wanted for the county; and the qualifications
councilors shall be the same as for senator.

ART. 61. If any person thus chosen a councilor shall be elected gover

[68] All of the provisions as to the "council" were stricken out in 1793 and the p
ent provisions inserted.

[69] Substituted for "annually" in 1878.

[70] Substituted for "March" in 1878.

[71] Substituted for "June" in 1889.

[72] Substituted for "majority" in 1912.

or member of either branch of the legislature and shall accept the trust, or f any person elected a councilor shall refuse to accept the office, or in case of the death, resignation or removal of any councilor out of the state, the governor may issue a precept for the election of a new councilor in that county where such vacancy shall happen; and the choice shall be in the same manner as before directed; and the governor shall have full power and authority to convene the council, from time to time, at his discretion; and with hem, or the majority of them, may and shall, from time to time, hold a council for ordering and directing the affairs of the state, according to the laws of the land.

ART. 62. The members of the council may be impeached by the house and tried by the senate for bribery, corruption, malpractice or maladministration.

ART. 63. The resolutions and advice of the council shall be recorded by he secretary in a register, and signed by all the members present agreeing hereto; and this record may be called for at any time by either house of he legislature; and any member of the council may enter his opinion contrary to the resolution of the majority, with the reasons for such opinion.

ART. 64. The legislature may, if the public good shall hereafter require t, divide the state into five districts, as nearly equal as may be, governing hemselves by the number of [population],[73] each district to elect a councilor; nd, in case of such division, the manner of the choice shall be conformable o the present mode of election in counties.

ART. 65. And, whereas the elections appointed to be made by this constitution on the first Wednesday of [January],[74] [biennially],[75] by the two ouses of the legislature, may not be completed on that day, the said elections ay be adjourned from day to day until the same be completed. And the rder of the elections shall be as follows: The vacancies in the senate, if any, hall be first filled up; the governor shall then be elected, provided there hall be no choice of him by the people; and afterwards, the two houses shall roceed to fill up the vacancy, if any, in the council.

SECRETARY, TREASURER, COMMISSARY-GENERAL, ETC.

ART. 66. The secretary, treasurer and commissary-general shall be chosen y joint ballot of the senators and representatives assembled in one room.

ART. 67. The records of the state shall be kept in the office of the secretary;[76] and he shall attend the [governor][77] and council, the senate and epresentatives, in person or by deputy, as they may require.

ART. 68. The secretary of the state shall at all times have a deputy, to be y him appointed, for whose conduct in office he shall be responsible; and, in se of the death, removal or inability of the secretary, his deputy shall exerse all the duties of the office of secretary of this state until another shall e appointed.[78]

ART. 69. The secretary, before he enters upon the business of his office, all give bond, with sufficient sureties, in a reasonable sum, for the use of he state, for the punctual performance of his trust.[79]

COUNTY TREASURER, ETC.

ART. 70. The county treasurers, [registers of probate, solicitors, sheriffs][80] nd registers of deeds shall be elected by the inhabitants of the several towns r the several counties in the state, according to the method now practiced and

[73] The expression "ratable polls and proportion of public taxes" stricken out in 12 and the word "population" inserted.
[74] Substituted for "June" in 1889.
[75] Substituted for "annually" in 1879.
[76] The words "who may appoint his deputies, for whose conduct he shall be nswerable" were stricken out in 1798.
[77] Substituted for "president" in 1793.
[78] The whole of article 68 was inserted in 1893.
[79] The whole of article 69 was inserted in 1793.
[80] Inserted in 1877.

the laws of the state; provided, nevertheless, the legislature shall have auth ity to alter the manner of certifying the votes and the mode of electing th officers, but not so as to deprive the people of the right they now have electing them.[81]

ART. 71. And the legislature, on the application of the major part of inhabitants of any county, shall have authority to divide the same into t districts for registering deeds, if to them it shall appear necessary, each trict to elect a register of deeds; and, before they enter upon the business their offices, shall be respectively sworn faithfully to discharge the du thereof, and shall severally give bond, with sufficient sureties, in a reasona sum, for the use of the county, for the punctual performance of their resp tive trusts.[82]

JUDICIARY POWER.

ART. 72. The tenure that all commissioned officers shall have by law their offices shall be expressed in their respective commissions. All judic officers, duly appointed, commissioned and sworn, shall hold their offices dur good behavior, excepting those concerning whom there is a different provis made in this constitution; provided, nevertheless, the [governor],[83] with sent of council, may remove them upon the address of both houses of legislature.

ART. 73. Each branch of the legislature, as well as the [governor][83] council, shall have authority to require the opinions of the justices of superior court upon important questions of law and upon solemn occasion

ART. 74. In order that the people may not suffer from the long conti ance in place of any justice of the peace who shall fail in discharging important duties of his office with ability and fidelity, all commissions justices of the peace shall become void at the expiration of five years f their respective dates; and upon the expiration of any commission, the s may, if necessary, be renewed, or another person appointed, as shall most duce to the well-being of the state.[84]

ART. 75. All causes of marriage, divorce, and alimony, and all appeals f the respective judges of probate, shall be heard and tried by the superior co until the legislature shall by law make other provision.

ART. 76. The general court are empowered to give to justices of the p jurisdiction in civil causes, when the damages demanded shall not exceed hundred dollars][85] and title of real estate is not concerned, but with the r of appeal to either party to some other court.[86] [And the general court further empowered to give to police courts original jurisdiction to try and termine, subject to right of appeal and trial by jury, all criminal causes wh in the punishment is less than imprisonment in the state prison.][87]

ART. 77. No person shall hold the office of judge of any court, or judg probate, or sheriff of any county, after he has attained the age of sev years.

ART. 78. No judge of any court or justice of the peace shall act as a ney, or be of counsel to any party, or originate any civil suit, in matters w shall come or be brought before him as judge or justice of the peace.[88]

ART. 79. All matters relating to the probate of wills and granting le of administration shall be exercised by the judges of probate in such manne the legislature have directed or may hereafter direct; and the judges of pro shall hold their courts at such place or places, on such fixed days as the

[81] Substituted for the original article in 1793.
[82] Inserted in 1793.
[83] Substituted for "president" in 1793.
[84] Originally an article relating to probate courts followed this article, but it stricken out in 1793.
[85] Substituted for "four pounds" in 1877.
[86] The whole of this article up to this point was inserted in 1793; in 1877 words "so that a trial by jury, in the last resort, may be had", which were in original article of 1793, were stricken out.
[87] Inserted in 1912.
[88] Inserted in 1793.

veniency of the people may require and the legislature from time to time appoint.[89]

ART. 80. No judge or register of probate shall be of counsel, act as advocate, or receive any fees as advocate or counsel, in any probate business which is pending or may be brought into any court of probate in the county of which he is judge or register.[89]

CLERKS OF COURTS.

ART. 81. The judges of the courts (those of probate excepted) shall appoint their respective clerks, to hold their office during pleasure; and no such clerk shall act as an attorney or be of counsel in any cause in the court of which he is a clerk, nor shall he draw any writ originating a civil action.[90]

ENCOURAGEMENT OF LITERATURE, ETC.

ART. 82. Knowledge and learning generally diffused through a community being essential to the preservation of a free government, and spreading the opportunities and advantages of education through the various parts of the country being highly conducive to promote this end, it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools; to encourage private and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trades, manufacturers and natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and economy, honesty and punctuality, sincerity, sobriety and all social affections and generous sentiments, among the people; [provided, nevertheless, that no money raised by taxation shall ever be granted or applied for the use of the schools or institutions of any religious sect or denomination].[91] [Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization, and provision should be made for the supervision and government thereof:—Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign and domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against].[92]

OATHS AND SUBSCRIPTIONS.—EXCLUSION FROM OFFICE.—COMMISSIONS.—WRITS.—CONFIRMATION OF LAWS.—HABEAS CORPUS.—THE ENACTING STYLE.—CONTINUANCE OF OFFICERS.—PROVISION FOR A FUTURE REVISION OF THE CONSTITUTION.—ETC.

ART. 83. Any person chosen [governor],[93] councilor, senator or representative, military or civil officer (town officers excepted), accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declarations, viz.:—

[I, A B, do solemnly swear that I will bear faith and true allegiance to the State of New Hampshire and will support the constitution thereof. So help me God.][94]

I, A B, do solemnly and sincerely swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent on me as ——,

[89] Inserted in 1793.
[90] Substituted for the original article in 1793; the original article relating to "Delegates to Congress" was stricken out in 1793.
[91] Inserted in 1877.
[92] Inserted in 1902.
[93] Substituted for "president" in 1793.
[94] Substituted for the original oath in 1793.

according to the best of my abilities, agreeably to the rules and regulations o this constitution and the laws of the state of New Hampshire. So help me God.

[Any person having taken and subscribed the oath of allegiance, [and th same being filed in the secretary's office],[95] he shall not be obliged to take sai oath again].[96]

Provided, always, when any person chosen or appointed as aforesaid sha be of the denomination called Quakers, or shall be scrupulous of swearing an shall decline taking the said oaths, such [person][97] shall take and subscrib them, omitting the word "swear" and likewise words "So help me God," sub joining instead thereof, "This I do under the pains and penalties of perjury."

ART. 84. And the oaths or affirmations shall be taken and subscribed by th governor, before the president of the senate, in presence of both houses of th legislature; and by the senators and representatives first elected under this con stitution, as altered and amended, before the president of the state and majority of the council then in office, and forever afterward before the governo and council for the time being; and by all other officers, before such persons an in such manner as the legislature shall from time to time appoint.[98]

ART. 85. All commissions shall be in the name of the state of New Hamp shire, signed by the [governor],[99] and attested by the secretary or his deput and shall have the great seal of the state affixed thereto.

ART. 86. All writs issuing out of the clerk's office, in any of the courts o law, shall be in the name of the state of New Hampshire, shall be under th seal of the court whence they issue, and bear teste of the chief, first or senio justice of the court; but, when such justice shall be interested, then the writ sha bear teste of some other justice of the court, to which the same shall be return able; and be signed by the clerk of such court.

ART. 87. All indictments, presentments and information shall conclud "against the peace and dignity of the state."

ART. 88. The estate of such persons as may destroy their own lives sha not for that offense be forfeited, but descend or ascend in the same manner a if such persons had died in a natural way. Nor shall any article which sha accidentally occasion the death of any person be henceforth deemed a deodan or in any wise forfeited on account of such misfortune.

ART. 89. All the laws which have heretofore been adopted, used and a proved in the province, colony or state of New Hampshire, and usually pra ticed on in the courts of law, shall remain and be in full force until alter and repealed by the legislature, such parts thereof only excepted as are repu nant to the rights and liberties contained in this constitution; provided, tha nothing herein contained, when compared with the twenty-third article in th bill of rights, shall be construed to affect the laws already made respecting th persons or estates of absentees.

ART. 90. The privilege and benefit of the habeas corpus shall be enjoye in this state in the most free, easy, cheap, expeditious and ample manner, an shall not be suspended by the legislature except upon the most urgent and pres ing occasions, and for a time not exceeding three months.

ART. 91. The enacting style, in making and passing acts, statutes and law shall be, Be it enacted by the senate and house of representatives in gener court convened.

ART. 92. No [governor][1] or judge of the [supreme judicial][2] court shall ho any office or place under the authority of this state, except such as by this co stitution they are admitted to hold, saving that the judges of the said court m hold the offices of justices of the peace throughout the state; nor shall they ho

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[95] Inserted in the engrossed copy of the constitution as amended in 1793, appa ently without authority.

[96] Inserted in 1793.

[97] Inserted in engrossed copy of the constitution as amended in 1793, apparent without authority.

[98] Substituted for the original article in 1793.

[99] Substituted for "president" in 1793.

[1] Substituted for "president" in 1793.

[2] Substituted for "superior" in engrossed copy of the constitution as amended 1793, apparently without authority.

any place or office or receive any pension or salary from any other state, government or power whatever.

ART. 93. No person shall be capable of exercising at the same time more than one of the following offices within this state, viz.: judge of probate, sheriff, register of deeds; and never more than two offices of profit, which may be held by appointment of the [governor][1] or [governor][1] and council, or senate and house of representatives, or superior or inferior courts, military offices and offices of justices of the peace excepted.

ART. 94. No person holding the office of judge of any court (except special judges), secretary, treasurer of the state, attorney-general, commissary-general, military officers receiving pay from the continent or this state (excepting officers of the militia occasionally called forth on an emergency), registers of deeds, sheriff or officers of the customs, including naval officers, collectors of excise and state and continental taxes hereafter appointed, and not having settled their accounts with the respective officers with whom it is their duty to settle such accounts, members of congress or any person holding any office under the United States, shall at the same time hold the office of governor, or have a seat in the senate or house of representatives or council; but his being chosen and appointed to and accepting the same shall operate as a resignation of their seat in the chair, senate or house of representatives or council, and the place so vacated shall be filled up. No member of the council shall have a seat in the senate or house of representatives.[3]

ART. 95. No person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under this government, who, in the due course of law, has been convicted of bribery or corruption in obtaining an election or appointment.

ART. 96. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce.

ART. 97. To the end that there may be no failure of justice or danger to the state by the alterations and amendments made in the constitution, the general court is hereby fully authorized and directed to fix the time when the alterations and amendments shall take effect, and make the necessary arrangements accordingly.[4]

ART. 98. It shall be the duty of the selectmen and assessors of the several towns and places in this state, in warning the first annual meeting for the choice of senators, after the expiration of seven years from the adoption of this constitution as amended, to insert expressly in the warrant this purpose among the others for the meeting, to wit, to take the sense of the qualified voters on the subject of a revision of the constitution; and, the meeting being warned accordingly, and not otherwise, the moderator shall take the sense of the qualified voters present as to the necessity of a revision; and a return of the number of votes for and against such necessity shall be made by the clerks, sealed up and directed to the general court at their then next session; and if it shall appear to the general court by such return that the sense of the people of the state has been taken, and that, in the opinion of a majority of the qualified voters in the state present and voting at said meetings, there is a necessity for a revision of the constitution, it shall be the duty of the general court to call a convention for that purpose; otherwise the general court shall direct the sense of the people to be taken, and then proceed in the manner before mentioned; the delegates to be chosen in the same manner and proportioned as the representatives to the general court; provided, that no alteration shall be made in this constitution before the same shall be laid before the towns and unincorporated places and approved by two-thirds of the qualified voters present and voting on the subject.

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[3] Substituted for the original article in 1793.
[4] Substituted for the original article in 1793.

ART. 99. And the same method of taking the sense of the people as to revision of the constitution, and calling a convention for that purpose, shall b observed afterward, at the expiration of every seven years.[5]

ART. 100. This form of government shall be enrolled on parchment and de posited in the secretary's office, and be a part of the laws of the land, an printed copies thereof shall be prefixed to the books containing the laws of th state in all future editions thereof.

[5] Substituted for last article of original constitution in 1793.

CONSTITUTION OF NEW JERSEY—1844.*

A Constitution agreed upon by the delegates of the people of New Jersey, in convention begun at Trenton on the fourteenth day of May, and continued to the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty-four, ratified by the people at an election held on the thirteenth day of August, A. D. 1844, and amended at a special election held on the seventh day of September, A. D. 1875, and at another special election held on the twenty-eighth day of September, A. D. 1897.

We, the people of the State of New Jersey, grateful to Almighty God for the civil and religious liberty which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations, do ordain and establish this Constitution:

ARTICLE I.

RIGHTS AND PRIVILEGES.

1. All men are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it.

3. No person shall be deprived of the inestimable privilege of worshiping Almighty God in a manner agreeable to the dictates of his own conscience; nor, under any pretence whatever, to be compelled to attend any place of worship contrary to his faith and judgment; nor shall any person be obliged to pay tithes, taxes or other rates for building or repairing any church or churches, place or places of worship, or for the maintenance of any minister or ministry, contrary to what he believes to be right, or has deliberately and voluntarily engaged to perform.

4. There shall be no establishment of one religious sect in preference to another; no religious test shall be required as a qualification for any office or public trust; and no person shall be denied the enjoyment of any civil right merely on account of his religious principles.

5. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

6. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the papers and things to be seized.

* The constitution of New Jersey was drafted by a convention which assembled at Trenton, on May 14, and adjourned on June 29, 1844, and was ratified by the electors on August 13, 1844, by a vote of 20,276 for and 3,526 against and 69 votes rejected. The constitution was submitted as a whole and no proposition was submitted separately, and it became effective on September 2, 1844. The constitution has been amended twice; the first group of amendments was proposed and adopted by the legislature of 1874, re-adopted by the legislature of 1875, ratified at a special election held on September 7, 1875, and became effective on September 28, 1875; the second group of amendments was proposed and adopted by the legislature of 1896, re-adopted by the legislature of 1897, ratified at a special election held on September 28, 1897, and became effective on October 26, 1897.

7. The right of a trial by jury shall remain inviolate; but the legislature may authorize the trial of civil suits, when a matter in dispute does not exceed fifty dollars, by a jury of six men.

8. In all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

9. No person shall be held to answer for a criminal offense, unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy; or in the militia, when in actual service in time of war or public danger.

10. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or presumption great.

11. The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

12. The military shall be in strict subordination to the civil power.

13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in a manner prescribed by law.

14. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

15. Excessive bail shall not be required, excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

16. Private property shall not be taken for public use without just compensation; but land may be taken for public highways as heretofore, until the legislature shall direct compensation to be made.

17. No person shall be imprisoned for debt in any action, or on any judgment founded upon contract, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

18. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

19. No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual association or corporation, or become security for or be directly or indirectly the owner of any stock or bonds of any association or corporation.[1]

20. No donation of land or appropriation of money shall be made by the State or any municipal corporation to or for the use of any society, association or corporation whatever.[1]

21. This enumeration of rights and privileges shall not be construed to impair or deny others retained by the people.[2]

ARTICLE II.

RIGHT OF SUFFRAGE.

1. Every male citizen of the United States, of the age of twenty-one years who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; provided, that no person in the military, naval or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State, and no pauper, idiot, insane person, or person convicted of a crime which now

[1] Paragraphs 19 and 20 are new paragraphs and were adopted in 1875.

[2] Paragraph 21 was a part of the original constitution and was numbered 19; by the amendment of 1875 it was renumbered as paragraph 21.

excludes him from being a witness unless pardoned or restored by law to the right of suffrage, shall enjoy the right of an elector; and provided further, that in time of war no elector in the actual military service of the State, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside.[3]

2. The legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery.[4]

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

1. The powers of the government shall be divided into three distinct departments—the legislative, executive and judicial; and no person or persons belonging to, or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except as herein expressly provided.

ARTICLE IV.

LEGISLATIVE.

Section I.

1. The legislative power shall be vested in a senate and general assembly.

2. No person shall be a member of the senate who shall not have attained the age of thirty years, and have been a citizen and inhabitant of the State for four years, and of the county for which he shall be chosen one year, next before his election; and no person shall be a member of the general assembly who shall not have attained the age of twenty-one years, and have been a citizen and inhabitant of the State for two years, and of the county for which he shall be chosen one year next before his election; provided, that no person shall be eligible as a member of either house of the legislature, who shall not be entitled to the right of suffrage.

3. Members of the senate and general assembly shall be elected yearly and every year, on the first Tuesday after the first Monday in November;[5] and the two houses shall meet separately on the second Tuesday in January next after the said day of election, at which time of meeting the legislative year shall commence; but the time of holding such election may be altered by the legislature.

Section II.

1. The senate shall be composed of one senator from each county in the State, elected by the legal voters of the counties, respectively, for three years.

2. As soon as the senate shall meet after the first election to be held in pursuance of this constitution, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year, so that one class may be elected every year; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Section III.

1. The general assembly shall be composed of members annually elected by the legal voters of the counties, respectively, who shall be apportioned

[3] By the amendment of 1875, the word "white", where it occurred after the word "Every," in the first line, was stricken out, and the proviso at the end of the paragraph was added.

[4] Amended in 1875 by striking out the words, "at elections" where they occurred after the word "bribery" in the original paragraph.

[5] In 1875, the words "second Tuesday of October" were stricken out and the words "first Tuesday after the first Monday in November" inserted.

among the said counties as nearly as may be according to the number of their inhabitants. The present apportionment shall continue until the next census of the United States shall have been taken, and an apportionment of members of the general assembly shall be made by the legislature at its first session after the next and every subsequent enumeration or census, and when made shall remain unaltered until another enumeration shall have been taken; provided, that each county shall at all times be entitled to one member; and the whole number of members shall never exceed sixty.

Section IV.

1. Each house shall direct writs of election for supplying vacancies, occasioned by death, resignation, or otherwise; but if vacancies occur during the recess of the legislature, the writs may be issued by the Governor, under such regulations as may be prescribed by law.

2. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

3. Each house shall choose its own officers, determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, may expel a member.

4. Each house shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

5. Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

6. All bills and joint resolutions shall be read three times in each house, before the final passage thereof; and no bill or joint resolution shall pass unless there be a majority of all the members of each body personally present and agreeing thereto; and the yeas and nays of the members voting on such final passage shall be entered on the journal.

7. Members of the senate and general assembly shall receive annually the sum of five hundred dollars during the time for which they shall have been elected and while they shall hold their office, and no other allowance or emolument; the senate and the speaker of the house of assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their allowance as members.

8. Members of the senate and general assembly shall, in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sitting of their respective houses, and in going to and returning from the same; and for any speech or debate, in either house, they shall not be questioned in any other place.

Section V.

1. No member of the senate or general assembly shall, during the time for which he was elected, be nominated or appointed by the governor, or by them, directly or indirectly, for any purpose whatever.[6] The president of

[6] In 1875, the words "a compensation for their services, to be ascertained by law, and paid out of the treasury of the state; which compensation shall not exceed the sum of three dollars per day for the period of forty days from the commencement of the session, and shall not exceed the sum of one dollar and fifty cents per day for the remainder of the session. When convened in extra session by the governor they shall receive such sum as shall be fixed for the first forty days of the ordinary session. They shall also receive the sum of one dollar for every ten miles they shall travel in going to and returning from their place of meeting on the most usual route," were stricken out and the words from "annually" to "whatever", inclusive, were inserted. The words "per diem" where they occurred after the word "their" and before the word "allowance" in the last line were stricken out.

the legislature in joint meeting, to any civil office under the authority of this State which shall have been created, or the emoluments whereof shall have been increased, during such time.

2. If any member of the senate or general assembly shall be elected to represent this State in the senate or house of representatives of the United States, and shall accept thereof, or shall accept of any office or appointment under the government of the United States, his seat in the legislature of this State shall thereby be vacated.

3. No justice of the supreme court, nor judge of any other court, sheriff, justice of the peace nor any person or persons possessed of any office of profit under the government of this State, shall be entitled to a seat either in the senate or in the general assembly; but, on being elected and taking his seat, his office shall be considered vacant; and no person holding any office of profit under the government of the United States shall be entitled to a seat in either house.

Section VI.

1. All bills for raising revenue shall originate in the house of assembly; but the senate may propose or concur with amendments, as on other bills.

2. No money shall be drawn from the treasury but for appropriations made by law.

3. The credit of the State shall not be directly or indirectly loaned in any case.

4. The legislature shall not, in any manner, create any debt or debts, liability or liabilities, of the State which shall, singly or in the aggregate with any previous debts or liabilities, at any time exceed one hundred thousand dollars, except for purposes of war, or to repel invasion, or to suppress insurrection, unless the same shall be authorized by a law for some single object or work, to be distinctly specified therein; which law shall provide the ways and means, exclusive of loans, to pay the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrepealable until such debt or liability, and the interest thereon, are fully paid and discharged, and no such law shall take effect until it shall, at a general election, have been submitted to the people, and have received the sanction of a majority of all the votes cast for and against it at such election; and all money to be raised by the authority of such law shall be applied only to the specific object stated therein, and to the payment of the debt thereby created. This section shall not be construed to refer to any money that has been, or may be, deposited with this State by the government of the United States.

Section VII.

1. No divorce shall be granted by the legislature.

2. No lottery shall be authorized by the legislature or otherwise in this State, and no ticket in any lottery shall be bought or sold within this State, nor shall pool-selling, book-making or gambling of any kind be authorized or allowed within this State, nor shall any gambling device, practice or game of chance now prohibited by law be legalized, or the remedy, penalty or punishment now provided therefor be in any way diminished.[7]

3. The legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. No law shall be revived or amended by reference to its title only; but the act revived, or the section or sections amended, shall be inserted at length. No general law shall embrace any provision of a private, special or local

[7] Amendment adopted in 1897.

character. No act shall be passed which shall provide that any existing law, o any part thereof, shall be made or deemed a part of the act, or which shal enact that any existing law, or any part thereof, shall be applicable, excep by inserting it in such act.[8]

5. The laws of this State shall begin in the following style: "Be i enacted by the Senate and General Assembly of the State of New Jersey."

6. The fund for the support of free schools, and all money, stock and othe property which may hereafter be appropriated for that purpose, or receive into the treasury under the provision of any law heretofore passed to augmen the said fund, shall be securely invested and remain a perpetual fund; an the income thereof, except so much as it may be judged expedient to appl to an increase of the capital, shall be annually appropriated to the suppor of public free schools, for the equal benefit of all the people of the State and it shall not be competent for the legislature to borrow, appropriate o use the said fund, or any part thereof, for any other purpose, under any pre tense whatever. The legislature shall provide for the maintenance and sup port of a thorough and efficient system of free public schools for the instruc tion of all the children in this State between the ages of five and eighteen years.[9]

7. No private or special law shall be passed authorizing the sale of an lands belonging in whole or in part to a minor or minors, or other person who may at the time be under any legal disability to act for themselves.

8. Individuals or private corporations shall not be authorized to take pri vate property for public use, without just compensation first made to th owners.[10]

9. No private, special or local bill shall be passed unless public notic of the intention to apply therefor, and of the general object thereof, shall hav been previously given. The legislature, at the next session after the adoptio hereof, and from time to time thereafter, shall prescribe the time and mode o giving such notice, the evidence thereof, and how such evidence shall b preserved.[11]

10. The legislature may vest in the circuit courts, or court of commo pleas within the several counties of this State, chancery powers, so far a relates to the foreclosure of mortgages and sale of mortgaged premises.

11. The legislature shall not pass private, local or special laws in an of the following enumerated cases; that is to say:

Laying out, opening, altering and working roads or highways.

Vacating any road, town plot, street, alley or public grounds.

Regulating the internal affairs of towns and counties; appointing loca offices or commissions to regulate municipal affairs.

Selecting, drawing, summoning or empaneling grand or petit jurors.

Creating, increasing or decreasing the percentage or allowance of publ officers during the term for which said officers were elected or appointed.

Changing the law of descent.

Granting to any corporation, association or individual any exclusive pri ilege, immunity or franchise whatever.

Granting to any corporation, association or individual the right to la down railroad tracks.

Providing for changes of venue in civil or criminal cases.

Providing for the management and support of free public schools.

The legislature shall pass general laws providing for the cases enume ated in this paragraph, and for all other cases which, in its judgment, may b provided for by general laws. The legislature shall pass no special act co ferring corporate powers, but they shall pass general laws under which corp

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[8] All of this paragraph except the first sentence was added in 1875.

[9] The word "free" where it occurs between the word "public" and the wor "schools" was inserted, and the last sentence was added in 1875.

[10] The whole of the original paragraph 8 was stricken out in 1875 and the origin paragraph 9 renumbered paragraph 8.

[11] Paragraph 9 is a new paragraph and was adopted in 1875.

rations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the legislature.[12]

12. Property shall be assessed for taxes under general laws, and by uniform rules, according to its true value.[12]

Section VIII.

1. Members of the legislature shall, before they enter on the duties, of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear [or affirm, as the case may be], that I will support the constitution of the United States and the constitution of the State of New Jersey, and that I will faithfully discharge the duties of senator [or member of the general assembly, as the case may be], according to the best of my ability."

And members-elect of the senate or general assembly are hereby empowered to administered to each other the said oath or affirmation.

2. Every officer of the legislature shall, before he enters upon his duties, take and subscribe the following oath or affirmation: "I do solemnly promise and swear [or affirm] that I will faithfully, impartially and justly perform all the duties of the office of ————, to the best of my ability and understanding; that I will carefully preserve all records, papers, writings or property intrusted to me for safe-keeping by virtue of my office, and make such disposition of the same as may be required by law."[13]

ARTICLE V.

EXECUTIVE.

1. The executive power shall be vested in a governor.

2. The governor shall be elected by the legal voters of this State. The person having the highest number of votes shall be the governor; but if two or more shall be equal and highest in votes, one of them shall be chosen governor by the vote of a majority of the members of both houses in joint meeting. Contested elections for the office of governor shall be determined in such manner as the legislature shall direct by law. When a governor is to be elected by the people, such election shall be held at the time when and at the places where the people shall respectively vote for members of the legislature.

3. The governor shall hold his office for three years, to commence on the third Tuesday of January next ensuing the election for governor by the people, and to end on the Monday preceding the third Tuesday of January, three years thereafter; and he shall be incapable of holding that office for three years next after his term of service shall have expired; and no appointment or nomination to office shall be made by the governor during the last week of his said term.

4. The governor shall be not less than thirty years of age, and shall have been for twenty years, at least, a citizen of the United States, and a resident of this State seven years next before his election, unless he shall have been absent during that time on the public business of the United States or of this State.

5. The governor shall, at stated times, receive for his services a compensation which shall be neither increased nor diminished during the period for which he shall have been elected.

6. He shall be the commander-in-chief of all the military and naval forces of the State; he shall have power to convene the legislature, or the senate alone, whenever in his opinion public necessity requires it; he shall communicate by message to the legislature at the opening of each session, and at such other times as he may deem necessary, the condition of the State, and recommend such measures as he may deem expedient; he shall take care that the laws be faithfully executed, and grant, under the great seal of the State, commissions to all such officers as shall be required to be commissioned.[14]

[12] Paragraphs 11 and 12 are new paragraphs and were adopted in 1875.
[13] Paragraph 2 is a new paragraph and was adopted in 1875.
[14] Paragraph 6 was amended in 1875 by adding the words "or the senate alone."

7. Every bill which shall have passed both houses shall be presented to the governor; if he approve he shall sign it, but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved of by a majority of the whole number of that house, it shall become a law. But in neither house shall the vote be taken on the same day on which the bill shall be returned to it; and in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor, within five days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevent its return, in which case it shall not be a law. If any bill presented to the governor contain several items of appropriations of money, he may object to one or more of such items while approving of the other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session he shall transmit to the house in which the bill originated, a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by a majority of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section in relation to bills not approved by the governor shall apply to cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.[15]

8. No member of congress, or person holding an office under the United States, or this State, shall exercise the office of governor; and in case the governor, or person administering the government, shall accept any office under the United States or this State, his office of governor shall thereupon be vacant. Nor shall he be elected by the legislature to any office under the government of this State or of the United States, during the term for which he shall have been elected governor.[16]

9. The governor, or person administering the government, shall have power to suspend the collection of fines and forfeitures, and to grant reprieves, to extend until the expiration of a time not exceeding ninety days after conviction; but this power shall not extend to cases of impeachment.

10. The governor, or person administering the government, the chancellor, and the six judges of the court of errors and appeals, or a major part of them, of whom the governor, or person administering the government, shall be one, may remit fines and forfeitures, and grant pardons, after conviction, in all cases except impeachment.

11. The governor and all other civil officers under this State shall be liable to impeachment for misdemeanor in office during their continuance in office, and for two years thereafter.

12. In case of the death, resignation or removal from office of the governor, the powers, duties and emoluments of the office shall devolve upon the president of the senate, and in case of his death, resignation or removal, then upon the speaker of the house of assembly, for the time being, until another governor shall be elected and qualified; but in such case another governor shall be chosen at the next election for members of the legislature, unless such death, resignation or removal shall occur within thirty days immediately preceding such next election, in which case a governor shall be chosen at the second succeeding election for members of the legislature. When a vacancy happens, during the recess of the legislature, in any office which is to be

[15] Amended in 1875 by adding the provision beginning "If any bill" in line 16.
[16] Amended in 1875 by adding the last sentence.

led by the governor and senate, or by the legislature in joint meeting, the vernor shall fill such vacancy and the commission shall expire at the end the next session of the legislature, unless a successor shall be sooner ap-inted; when a vacancy happens in the office of clerk or surrogate of any unty, the governor shall fill such vacancy, and the commission shall expire hen a successor is elected and qualified. No person who shall have been minated to the senate by the governor for any office of trust or profit under e government of this State, and shall not have been confirmed before the ess of the legislature, shall be eligible for appointment to such office during e continuance of such recess.[17]

13. In case of the impeachment of the governor, his absence from the ate or inability to discharge the duties of his office, the powers, duties and nolunents of the office shall devolve upon the president of the senate; and case of his death, resignation or removal, then upon the speaker of the use of assembly for the time being, until the governor, absent or impeached, all return or be acquitted, or until the disqualification or inability shall ase, or until a new governor be elected and qualified.

14. In case of a vacancy in the office of governor from any other cause an those herein enumerated, or in case of the death of the governor-elect fore he is qualified into office, the powers, duties and emoluments of the ice shall devolve upon the president of the senate or speaker of the house assembly, as above provided for, until a new governor be elected and qual-d.

ARTICLE VI.

JUDICIARY.

Section I.

1. The judicial power shall be vested in a court of errors and appeals the last resort in all causes as heretofore; a court for the trial of impeach-nts; a court of chancery; a prerogative court; a supreme court; circuit urts, and such inferior courts as now exist, and as may be hereafter ordained l established by law; which inferior courts the legislature may alter or olish, as the public good shall require.

Section II.

1. The court of errors and appeals shall consist of the chancellor, the stices of the supreme court, and six judges, or a major part of them; which dges are to be appointed for six years.

2. Immediately after the court shall first assemble, the six judges shall range themselves in such manner that the seat of one of them shall be cated every year, in order that thereafter one judge may be annually ap-nted.

3. Such of the six judges as shall attend the court shall receive respect-ly, a per diem compensation, to be provided by law.

4. The secretary of state shall be the clerk of this court.

5. When an appeal from an order or decree shall be heard, the chancellor ll inform the court, in writing, of the reasons for his order or decree; but shall not sit as a member, or have a voice in the hearing or final sentence.

6. When a writ of error shall be brought, no justice who has given a icial opinion in the cause in favor of or against any error complained of, ll sit as a member, or have a voice on the hearing, or for its affirmance reversal; but the reasons for such opinion shall be assigned to the court writing.

Section III.

1. The house of assembly shall have the sole power of impeaching, by a of a majority of all the members; and all impeachments shall be tried by senate; the members, when sitting for that purpose, to be on oath or rmation "truly and impartially to try and determine the charge in question

[17] Paragraph 12 was amended in 1897 by adding the last sentence.

according to evidence;" and no person shall be convicted without the conc rence of two-thirds of all the members of the senate.

2. Any judicial officer impeached shall be suspended from exercising office until his acquittal.

3. Judgment in cases of impeachment shall not extend farther than removal from office, and to disqualification to hold and enjoy any office honor, profit or trust under this State; but the party convicted shall, nev theless, be liable to indictment, trial and punishment according to law.

4. The secretary of state shall be the clerk of this court.

Section IV.

1. The court of chancery shall consist of a chancellor.

2. The chancellor shall be the ordinary or surrogate general, and jud of the prerogative court.

3. All persons aggrieved by any order, sentence or decree of the orph court, may appeal from the same, or from any part thereof, to the prerogat court; but such order, sentence or decree shall not be removed into the supre court, or circuit court if the subject-matter thereof be within the jurisdict of the orphans' court.

4. The secretary of state shall be the register of the prerogative co and shall perform the duties required of him by law in that respect.

Section V.

1. The supreme court shall consist of a chief justice and four assoc justices. The number of associate justices may be increased or decreased law, but shall never be less than two.

2. The circuit courts shall be held in every county of this State, by or more of the justices of the supreme court, or a judge appointed for t purpose, and shall, in all cases within the county, except in those of a cr inal nature, have common law jurisdiction, concurrent with the supreme cou and any final judgment of a circuit court may be docketed in the supr court, and shall operate as a judgment obtained in the supreme court f the time of such docketing.

3. Final judgments in any circuit court may be brought by writ of e into the supreme court, or directly into the court of errors and appeals.

Section VI.

1. There shall be no more than five judges of the inferior court of c mon pleas in each of the counties in this State, after the terms of the juc of said court now in office shall terminate. One judge for each county s be appointed every year, and no more, except to fill vacancies, which shall for the unexpired term only.

2. The commissions for the first appointments of judges of said c shall bear date and take effect on the first day of April next and all sub quent commissions for judges of said court shall bear date and take effect the first day of April in every successive year, except commissions to vacancies, which shall bear date and take effect when issued.

Section VII.

1. There may be elected under this constitution two, and not more t five, justices of the peace in each of the townships of the several counties this State, and in each of the wards, in cities that may vote in wards. W a township or ward contains two thousand inhabitants or less, it may l two justices; when it contains more than two thousand inhabitants, and more than four thousand, it may have four justices; and when it cont more than four thousand inhabitants, it may have five justices; provided, whenever any township not voting in wards contains more than seven thous inhabitants, such township may have an additional justice for each additi three thousand inhabitants above four thousand.

2. The population of the townships in the several counties of the S

nd of the several wards shall be ascertained by the last preceding census f the United States, until the legislature shall provide, by law, some other ode of ascertaining it.

ARTICLE VII.

APPOINTING POWER AND TENURE OF OFFICE.

Section 1.

MILITIA OFFICERS.

1. The legislature shall provide by law for enrolling, organizing and arm- g the militia.

2. Captains, subalterns and non-commissioned officers shall be elected by e members of their respective companies.

3. Field officers of regiments, independent battalions and squadrons shall e elected by the commissioned officers of their respective regiments, battalions r squadrons.

4. Brigadier-generals shall be elected by the field officers of their re- pective brigades.

5. Major-generals, the adjutant-general and quartermaster-general shall e nominated by the governor, and appointed by him, with the advice and nsent of the senate.[18]

6. The legislature shall provide, by law, the time and manner of electing ilitia officers, and of certifying their elections to the governor, who shall ant their commissions, and determine their rank, when not determined by w; and no commissioned officer shall be removed from office but by the ntence of a court-martial, pursuant to law.

7. In case the electors of subalterns, captains or field officers shall refuse neglect to make such elections, the governor shall have power to appoint ch officers, and to fill all vacancies caused by such refusal or neglect.

8. Brigade inspectors shall be chosen by the field officers of their respect e brigades.

9. The governor shall appoint all militia officers whose appointment is t otherwise provided for in this constitution.[19]

10. Major-generals, brigadier-generals and commanding officers of regi- ents, independent battalions and squadrons shall appoint the staff officers of eir divisions, brigades, regiments, independent battalions and squadrons, re- ectively.

Section II.

CIVIL OFFICERS.

1. Justices of the supreme court, chancellor, judges of the court of errors d appeals and judges of the inferior court of common pleas shall be nomi- ated by the governor, and appointed by him, with the advice and consent of e senate.[20]

The justices of the supreme court and chancellor shall hold their offices r the term of seven years; shall, at stated times, receive for their services compensation which shall not be diminished during the term of their appoint- ents; and they shall hold no other office under the government of this State of the United States.

2. Judges of the courts of common pleas shall be appointed by the senate d general assembly, in joint meeting.

3. The state treasurer and comptroller shall be appointed by the senate d general assembly, in joint meeting.

[18] Amended in 1875 by inserting the words "the adjutant-general and quartermas- r-general."

[19] Amended in 1875 by striking out the words "the adjutant-general, quartermaster- neral and" where they occur after the word "appoint" and the word "other" where it curred after the word "all" in the original paragraph.

[20] Amended in 1875 by striking out the word "and" where it occurred after the rd "chancellor" in the original paragraph, and inserting after the word "appeals" e words "and judges of the inferior court of common pleas."

They shall hold their offices for five years; but when appointed to vacancies, they shall hold for the unexpired term only.

They shall hold their offices for three years, and until their success shall be qualified into office.[21]

4. The attorney-general, prosecutors of the pleas, clerk of the supre court, clerk of the court of chancery, secretary of state and the keeper of state prison shall be nominated by the governor, and appointed by him, w the advice and consent of the senate.

They shall hold their offices for five years.[22]

5. The law reporter shall be appointed by the justices of the supre court, or a majority of them; and the chancery reporter shall be appoir by the chancellor.

They shall hold their offices for five years.

6. Clerks and surrogates of counties shall be elected by the people their respective counties, at the annual elections for members of the gen assembly.

They shall hold their offices for five years.

7. Sheriffs and coroners shall be elected by the people of their respec counties, at the elections for members of the general assembly, and they s hold their offices for three years, after which three years must elapse be they can be again capable of serving. Sheriffs shall annually renew t bonds.[23]

8. Justices of the peace shall be elected by ballot at the annual meet of the townships in the several counties of the State, and of the wards cities that may vote in wards, in such manner and under such regulations may be hereafter provided by law.

They shall be commissioned for the county, and their commissions s bear date and take effect on the first day of May next after their election

They shall hold their offices for five years; but when elected to fill va cies, they shall hold for the unexpired term only; provided, that the c mission of any justice of the peace shall become vacant upon his ceasing reside in the township in which he was elected.

The first election for justices of the peace shall take place at the r annual town-meetings of the townships in the several counties of the St and of the wards in cities that may vote in wards.

9. All other officers, whose appointments are not otherwise provided fo law, shall be nominated by the governor, and appointed by him, with the ad and consent of the senate; and shall hold their offices for the time preser by law.

10. All civil officers elected or appointed pursuant to the provisions this constitution, shall be commissioned by the governor.

11. The term of office of all officers elected or appointed, pursuant to provisions of this constitution, except when herein otherwise directed, s commence on the day of the date of their respective commissions; but

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[21] Amended in 1875 by striking out the words "and the keeper and inspector the state prison" where they occurred in the original after the word "treasurer" inserting in lieu thereof the words "and comptroller"; by the same amendment words "one year" were stricken out and the words "three years" inserted.

[22] Amended in 1875 by striking out the word "and" where it occurred in the inal after the word "chancery" and inserting after the word "state" the words the keeper of the state prison."

[23] Amended in 1875 by striking out the word "annually" where it occurred in original paragraph after the word "elected"; also by striking out the word "ann where it occurred before the word "elections"; also by striking out the words "" may be re-elected until they shall have served three years, but no longer" where occurred after the words "assembly"; also by inserting after the word "assembly" words "and they shall hold their offices for three years"; also by adding to the en the paragraph the sentence, "Sheriffs shall annually renew their bonds." The am ments to this Section proposed in 1875 also provide for the renumbering of all of paragraphs of the section beginning with the second so that paragraph 3 woul paragraph 2, paragraph 4 would be paragraph 3, and so on. This was manifestl error on the part of the draftsman, as no paragraph had been stricken out or solidated and the numbering as it appeared in the original section still obtains.

commission for any office shall bear date prior to the expiration of the term of the incumbent of said office.

ARTICLE VIII.

GENERAL PROVISIONS.

1. The secretary of state shall be ex officio an auditor of the accounts of the treasurer, and as such, it shall be his duty to assist the legislature in the annual examination and settlement of said accounts, until otherwise provided by law.

2. The seal of the State shall be kept by the governor, or person administering the government, and used by him officially, and shall be called the great seal of the State of New Jersey.

3. All grants and commissions shall be in the name and by the authority of the State of New Jersey, sealed with the great seal, signed by the governor, or person administering the government, and countersigned by the secretary of state, and it shall run thus: "The State of New Jersey, to ————, greeting." All writs shall be in the name of the State; and all indictments shall conclude in the following manner, viz., "against the peace of this State, the government and dignity of the same."

4. This constitution shall take effect and go into operation on the second day of September, in the year of our Lord one thousand eight hundred and forty-four.

ARTICLE IX.

AMENDMENTS.

Any specific amendment or amendments to the constitution may be proposed in the senate or general assembly, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen, and shall be published for three months previous to making such choice, in at least one newspaper of each county, if any be published therein; and if in the legislature next chosen as aforesaid, such proposed amendment or amendments, or any of them, shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the legislature to submit such proposed amendment or amendments, or such of them as may have been agreed to as aforesaid by the two legislatures, to the people, in such manner and at such time, at least four months after the adjournment of the legislature, as the legislature shall prescribe; and if the people at a special election to be held for that purpose only, shall approve and ratify such amendment or amendments, or any of them, by a majority of the electors qualified to vote for members of the legislature voting thereon, such amendment or amendments so approved and ratified shall become part of the constitution; provided, that if more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly; but no amendment or amendments shall be submitted to the people by the legislature oftener than once in five years.

ARTICLE X.

SCHEDULE.

That no inconvenience may arise from the change in the constitution of this State, and in order to carry the same into complete operation, it is hereby declared and ordained, that—

1. The common law and the statute laws now in force, not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature; and all writs, actions, causes of action, prosecutions, contracts, claims and rights of individuals and of bodies corporate, and of the State, and all charters of incorporation, shall continue, and all indictments which shall have been found, or which may here-

after be found, for any crime or offense committed before the adoption of this constitution, may be proceeded upon as if no change had taken place. The several courts of law and equity, except as herein otherwise provided, shall continue with the like powers and jurisdiction as if this constitution had not been adopted.

2. All officers now filling any office or appointment shall continue in the exercise of the duties thereof, according to their respective commissions or appointments, unless by this constitution it is otherwise directed.

3. The present governor, chancellor and ordinary or surrogate-general and treasurer shall continue in office until successors elected or appointed under this constitution shall be sworn or affirmed into office.

4. In case of the death, resignation or disability of the present governor the person who may be vice-president of council at the time of the adoption of this constitution shall continue in office and administer the government until a governor shall have been elected and sworn or affirmed into office under this constitution.

5. The present governor, or in case of his death or inability to act, the vice-president of council, together with the present members of the legislative council and secretary of state, shall constitute a board of state canvassers, in the manner now provided by law, for the purpose of ascertaining and declaring the result of the next ensuing election for governor, members of the house of representatives, and electors of president and vice-president.

6. The returns of the votes for governor, at the said next ensuing election, shall be transmitted to the secretary of state, the votes counted, and the election declared in the manner now provided by law in the case of the election of electors of president and vice-president.

7. The election of clerks and surrogates, in those counties where the term of office of the present incumbent shall expire previous to the general election of eighteen hundred and forty-five, shall be held at the general election next ensuing the adoption of this constitution; the result of which election shall be ascertained in the manner now provided by law for the election of sheriffs.

8. The elections for the year eighteen hundred and forty-four shall take place as now provided by law.

9. It shall be the duty of the governor to fill all vacancies in office happening between the adoption of this constitution and the first session of the senate, and not otherwise provided for, and the commissions shall expire at the end of the first session of the senate, or when successors shall be elected or appointed and qualified.

10. The restriction of the pay of members of the legislature, after forty days from the commencement of the session, shall not be applied to the first legislature convened under this constitution.

11. Clerks of counties shall be clerks of the inferior courts of common pleas and quarter sessions of the several counties, and perform the duties, and be subject to the regulations now required of them by law until otherwise ordained by the legislature.

12. The legislature shall pass all laws necessary to carry into effect the provisions of this constitution.

Done in convention, at the State House in Trenton, on the twenty-ninth day of June, in the year of our Lord one thousand eight hundred and forty four, and of the independence of the United States of America the sixty-eighth.

ALEXANDER WURTS,
President of the Convention.

WILLIAM PATERSON, Secretary.
THOS. J. SAUNDERS, Assistant Secretary.

CONSTITUTION OF NEW MEXICO—1912.*

We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a State government, do ordain and establish this constitution.

ARTICLE I.

NAME AND BOUNDARIES.

The name of this State is New Mexico, and its boundaries are as follows: Beginning at the point where the thirty-seven parallel of north latitude intersects the one hundred and third meridian west from Greenwich; thence along said one hundred and third meridian to the thirty-second parallel of north latitude; thence along said thirty-second parallel to the Rio Grande, also known as the Rio Bravo del Norte, as it existed on the ninth day of September, one thousand eight hundred and fifty; thence following the main channel of said river, as it existed on the ninth day of September, one thousand eight hundred and fifty, to the parallel of thirty-one degrees forty-seven minutes north latitude; thence west one hundred miles to a point; thence south to the parallel of thirty-one degrees twenty minutes north latitude; thence along said parallel of thirty-one degrees twenty minutes, to the thirty-second meridian of longitude west from Washington; thence along said thirty-second meridian to the thirty-seventh parallel of north latitude; thence along said thirty-seventh parallel to the point of beginning.

ARTICLE II.

BILL OF RIGHTS.

SECTION 1. The State of New Mexico is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.

* The act enabling New Mexico to frame a constitution and form a state government was approved June 20, 1910. The convention which drafted the constitution assembled at Santa Fe on October 3 and adjourned on November 21, 1910. The constitution was submitted to the electors of the territory on January 21, 1911, and was ratified by a vote of 31,742 to 13,399. No proposition was submitted separately. On February 24, 1911, President Taft transmitted a copy of this constitution to Congress with his formal approval and recommended that it be adopted. On August 21, 1911, Congress passed a joint resolution formally admitting New Mexico to the Union on condition that the electors of the territory should first ratify an amendment to Article IX relative to the process by which amendments to the constitution should be made. The original draft of this Article provided that proposed amendments must receive the affirmative vote of two-thirds of the members elected to each house; Congress changed this to a majority. The following provision, found in the original draft, was stricken out: "Or any amendment or amendments to this constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon." The congressional amendment required the publication of proposed amendments "in English and Spanish when newspapers in both of said languages are published"; and provided that amendments may be submitted at the biennial general election or a special election held within six months after the adjournment of the legislature; provided that a majority of the electors is sufficient to ratify an amendment instead of "an affirmative vote equal to at least forty per centum of all the votes cast at said election in the state and in at least one-half of the counties thereof." The provision that "not more than three amendments shall be submitted at one election" was stricken out and a provision was added that no changes be made in sections 1 and 3 of Article VII and sections 8 and 10 of Article XII unless "ratified by a vote of the people of this state in an election at which at least three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county in the state shall vote for such amendments." The provision that a constitutional convention be called if the proposition received the affirmative votes of the electors "voting at said election" and "in at least one-half of the counties" of the state, was stricken out and a provision inserted that a majority of the voters voting on the proposition was sufficient. This amendment was adopted at the first state election, and the President's proclamation admitting New Mexico to the Union was issued on January 6, 1912, and the constitution became effective the same day.

SEC. 2. All political power is vested in and derived from the people; a government of right originates with the people, is founded upon their will, a instituted solely for their good.

SEC. 3. The people of the State have the sole and exclusive right govern themselves as a free, sovereign, and independent State.

SEC. 4. All persons are born equally free, and have certain natural, herent, and inalienable rights, among which are the rights of enjoying a defending life and liberty, of acquiring, possessing, and protecting property, a of seeking and obtaining safety and happiness.

SEC. 5. The rights, privileges, and immunities, civil, political and religio guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidal shall be preserved inviolate.

SEC. 6. The people have the right to bear arms for their security and fense, but nothing herein shall be held to permit the carrying of conceal weapons.

SEC. 7. The privilege of the writ of habeas corpus shall never be suspend unless, in case of rebellion or invasion, the public safety requires it.

SEC. 8. All elections shall be free and open, and no power, civil or mi tary, shall at any time interfere to prevent the free exercise of the right suffrage.

SEC. 9. The military shall always be in strict subordination to the ci power; no soldier shall in time of peace be quartered in any house witho the consent of the owner, nor in time of war except in the manner prescrib by law.

SEC. 10. The people shall be secure in their persons, papers, homes a effects, from unreasonable searches and seizures, and no warrant to search a place, or seize any persons or thing, shall issue without describing the pl to be searched, or the persons or things to be seized, nor without a writ showing of probable cause, supported by oath or affirmation.

SEC. 11. Every man shall be free to worship God according to the d tates of his own conscience, and no person shall ever be molested or denied a civil or political right or privilege on account of his religious opinion or m of religious worship. No person shall be required to attend any place of w ship or support any religious sect or denomination; nor shall any preferen be given by law to any religious denomination or mode of worship.

SEC. 12. The right of trial by jury as it has heretofore existed shall secured to all and remain inviolate. In all cases triable in courts inferior the district court the jury may consist of six. The legislature may prov that verdicts in civil cases may be rendered by less than a unanimous vote the jury.

SEC. 13. All persons shall be bailable by sufficient sureties, except capital offenses when the proof is evident or the presumption great. Exc sive bail shall not be required, nor excessive fines imposed, nor cruel a unusual punishments inflicted.

SEC. 14. No person shall be held to answer for a capital, felonious, infamous crime unless on a presentment or indictment of a grand jury, exc in cases arising in the militia when in actual service in time of war or pub danger. In all criminal prosecutions the accused shall have the right to pear and defend himself in person, and by counsel; to demand the nat and cause of the accusation; to be confronted with the witnesses against hi to have the charge and testimony interpreted to him in a language that understands; to have compulsory process to compel the attendance of nec sary witnesses in his behalf, and a speedy public trial by an impartial j of the county or district in which the offense is alleged to have been c mitted.

SEC. 15. No person shall be compelled to testify against himself in criminal proceeding, nor shall any person be twice put in jeopardy for same offense; and when the indictment, information, or affidavit upon wh any person is convicted charges different offenses or different degrees of same offense and a new trial is granted the accused, he may not again

tried for an offense or degree of the offense greater than the one of which he was convicted.

SEC. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 17. Every person may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted.

SEC. 18. No person shall be deprived of life, liberty, or property without due process of law; nor shall any person be denied the equal protection of the laws.

SEC. 19. No ex post facto law, bill of attainder, nor law impairing the obligation of contracts shall be enacted by the legislature.

SEC. 20. Private property shall not be taken or damaged for public use without just compensation.

SEC. 21. No person shall be imprisoned for debt in any civil action.

SEC. 22. No distinction shall ever be made by law between resident aliens and citizens in regard to the ownership or descent of property.

SEC. 23. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this State are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except as in this constitution otherwise expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a senate and house of representatives which shall be designated the Legislature of the State of New Mexico, and shall hold its sessions at the seat of government.

The people reserve the power to disapprove, suspend, and annul any law enacted by the legislature, except general appropriation laws; laws providing for the preservation of the public peace, health, or safety; for the payment of the pubic debt or interest thereon, or the creation or funding of the same, except as in this constitution otherwise provided; for the maintenance of the public schools or State institutions, and local or special laws. Petitions disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, shall be filed with the secretary of state not less than four months prior to the next general election. Such petitions shall be signed by not less than ten per centum of the qualified electors of each of three-fourths of the counties and in the aggregate by not less than ten per centum of the qualified electors of the state, as shown by the total number of votes cast at the last preceding general election. The question of the approval or rejection of such law shall be submitted by the secretary of state to the electorate at the next general election; and if a majority of the legal votes cast thereon, and not less than forty per centum of the total number of legal votes cast at such general election, be cast for the rejection of such law, it shall be annulled and thereby repealed with the same effect as if the legislature had then repealed it, and such repeal shall revive any law repealed by the act so annulled; otherwise it shall remain in force unless subsequently repealed by the legislature.

If such petition or petitions be signed by not less than twenty-five per centum of the qualified electors under each of the foregoing conditions, and be filed with the secretary of state within ninety days after the adjournment of the session of the legislature at which such law was enacted, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than forty per centum of the total number of votes cast at such general election be cast for its rejection, it shall be thereby annulled; otherwise, it shall go into effect upon publication of the certificate of the secretary of state declaring the result of the vote thereon. It shall be a felony for any person to sign any such petition with any name other than his own, or to sign his name more than once for the same measure, or to sign such petition when he is not a qualified elector in the county specified in such petition; provided, that nothing herein shall be construed to prohibit the writing thereon of the name of any person who can not write, and who signs the same with his mark. The legislature shall enact laws necessary for the effective exercise of the power hereby reserved.

SEC. 2. In addition to the powers herein enumerated, the legislature shall have all powers necessary to the legislature of a free State.

SEC. 3. The senate shall consist of twenty-four, and the house of representatives of forty-nine members, who shall be qualified electors of their respective districts and residents of New Mexico for at least three years next preceding their election. Senators shall not be less than twenty-five years, and rpresentatives not less than twenty-one years of age at the time of their election. No person shall be eligible to the legislature who, at the time of qualifying, holds any office of trust or profit under the State, county, or National Government, except notaries public and officers of the militia who receive no salary.

SEC. 4. Members of the legislature shall be elected as follows: Senators for the term of four years, and members of the house of representatives for the term of two years. They shall be elected on the day provided by law for holding the general election of State officers or Representatives in Congress. Vacancies in either house shall be filled by an election at a time to be designated by the governor.

SEC. 5. The first session of the legislature shall begin at twelve o'clock, noon, on the day specified in the proclamation of the governor. Subsequent sessions shall begin at twelve o'clock, noon, on the second Tuesday of January next after each general election. No regular session shall exceed sixty days, except the first, which may be ninety days, and no special session shall exceed thirty days.

SEC. 6. Special sessions of the legislature may be called by the governor, but no business shall be transacted except such as relates to the objects specified in his proclamation.

SEC. 7. Each house shall be the judge of the election and qualifications of it own members. A majority of either house shall constitute a quorum to do business, but a less number may effect a temporary organization, adjourn from day to day, and compel the attendance of absent members.

SEC. 8. The senate shall be called to order in the hall of the senate by the lieutenant governor. The senate shall elect a president pro tempore who shall preside in the absence of the lieutenant governor and shall serve until the next session of the legislature. The house of representatives shall be called to order in the hall of said house by the secretary of state. He shall preside until the election of a speaker, who shall be the member receiving the highest number of votes for that office.

SEC. 9. The legislature shall choose its own officers and employees and fix their compensation, but the number and compensation shall never exceed the following: For each house, one chaplain at three dollars per day; one chief clerk and one sergeant-at-arms, each at six dollars per day; one assistant chief clerk and one assistant sergeant-at-arms, each at five dol-

lars per day; two enrolling clerks and two reading clerks, each at five dollars per day; six stenographers for the senate and eight for the house, each at six dollars per day; and such subordinate employees in addition to the above as they may require, but the aggregate compensation of such additional employees shall not exceed twenty dollars per day for the senate and thirty dollars per day for the house.

SEC. 10. Each member of the legislature shall receive as compensation for his services the sum of five dollars for each day's attendance during each session and ten cents for each mile traveled in going to and returning from the seat of government by the usual traveled route, once each session, and he shall receive no other compensation, perquisite, or allowance.

SEC. 11. Each house may determine the rules of its procedure, punish its members or others for contempt or disorderly behavior in its presence, and protect its members against violence; and may, with the concurrence of two-thirds of its members, expel a member, but not a second time for the same act. Punishment for contempt or disorderly behavior or by expulsion shall not be a bar to criminal prosecution.

SEC. 12. All sessions of each house shall be public. Each house shall keep a journal of its proceedings, and the yeas and nays on any question shall, at the request of one-fifth of the members present, be entered thereon. The original thereof shall be filed with the secretary of state at the close of the session, and shall be printed and published under his authority.

SEC. 13. Members of the legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and on going to and returning from the same. And they shall not be questioned in any other place for any speech or debate or for any vote cast in either house.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, Sundays excepted; nor to any other place than that where the two houses are sitting; and on the day of the final adjournment they shall adjourn at twelve o'clock, noon.

SEC. 15. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. The enacting clause of all bills shall be: "Be it enacted by the Legislature of the State of New Mexico." Any bill may originate in either house. No bill, except bills to provide for the public peace, health, and safety, and the codification or revision of the laws, shall become a law unless it has been printed, and read three different times in each house, not more than two of which readings shall be on the same day, and the third of which shall be in full.

SEC. 16. The subject of every bill shall be clearly expressed in its title, and no bill embracing more than one subject shall be passed except general appropriation bills and bills for the codification or revision of the laws; but if any subject is embraced in any act which is not expressed in its title, only so much of the act as is not so expressed shall be void. General appropriation bills shall embrace nothing but appropriations for the expense of the executive, legislative, and judiciary departments, interest, sinking fund, payments on the public debt, public schools, and other expenses required by existing laws; but if any such bill contain any other matter, only so much thereof as is hereby forbidden to be placed therein shall be void. All other appropriations shall be made by separate bills.

SEC. 17. No bill shall be passed except by a vote of a majority of the members present in each house, nor unless on its final passage a vote be taken by yeas and nays, and entered on the journal.

SEC. 18. No law shall be revised or amended, or the provisions thereof extended by reference to its title only; but each section thereof as revised, amended, or extended shall be set out in full.

SEC. 19. No bill for the appropriation of money, except for the current expenses of the government, and no bill for the increase of compensation of any officer, or for the creation of any lucrative office, shall be introduced after

the tenth day prior to the expiration of the session, as provided herein, except by unanimous consent of the house in which it is introduced. No bills shall be acted upon at any session unless introduced at that session.

SEC. 20. Immediately after the passage of any bill or resolution, it shall be enrolled and engrossed, and read publicly in full in each house, and thereupon shall be signed by the presiding officers of each house in open session, and the fact of such reading and signing shall be entered on the journal. No interlineation or erasure in a signed bill shall be effective unless certified thereon in express terms by the presiding officer of each house quoting the words interlined or erased, nor unless the fact of the making of such interlineation or erasure be publicly announced in each house and enfered on the journal.

SEC. 21. Any person who shall, without lawful authority, materially change or alter, or make away with, any bill pending in or passed by the legislature, shall be deemed guilty of a felony and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

SEC. 22. Every bill passed by the legislature shall, before it becomes a law, be presented to the governor for approval. If he approve, he shall sign it, and deposit it with the secretary of state; otherwise, he shall return it to the house in which it originated, with his objections, which shall be entered at large upon the journal; and such bill shall not become a law unless thereafter approved by two-thirds of the members present and voting in each house by yea and nay vote entered upon its journal. Any bill not returned by the governor within three days, Sundays excepted, after being presented to him, shall become a law, whether signed by him or not, unless the legislature by adjournment prevent such return. Every bill presented to the governor during the last three days of the session shall be approved or disapproved by him within six days after the adjournment, and shall be by him immediately deposited with the secretary of state. Unless so approved and signed by him such bill shall not become a law. The governor may in like manner approve or disapprove any part or parts, item or items, of any bill appropriating money, and such parts or items approved shall become a law, and such as are disapproved shall be void, unless passed over his veto, as herein provided.

SEC. 23. Laws shall go into effect ninety days after the adjournment of the legislature enacting them, except general appropriation laws, which shall go into effect immediately upon their passage and approval. Any act necessary for the preservation of the public peace, health, or safety shall take effect immediately upon its passage and approval, provided it be passed by two-thirds vote of each house and such necessity be stated in a separate section.

SEC. 24. The legislature shall not pass local or special laws in any of the following cases: Regulating county, precinct, or district affairs; the jurisdiction and duties of justices of the peace, police magistrates, and constables; the practice in courts of justice; the rate of interest on money; the punishment for crimes and misdemeanors; the assessment or collection of taxes or extending the time of collection thereof; the summoning and impaneling of jurors; the management of public schools; the sale or mortgaging of real estate of minors or others under disability; the change of venue in civil or criminal cases. Nor in the following cases: Granting divorces; laying out, opening, altering, or working roads or highways, except as to State roads extending into more than one county, and military roads; vacating roads, town plats, streets, alleys, or public grounds; locating or changing county seats, or changing county lines, except in creating new counties; incorporating cities, towns, or villages, or changing or amending the charter of any city, town, or village; the opening or conducting of any election or designating the place of voting; declaring any person of age; chartering or licensing ferries, toll bridges, toll roads, banks, insurance companies, or loan and trust companies; remitting fines, penalties, forfeitures, or taxes; or refunding money paid into the State treasury, or relinquishing, extending, or extinguishing, in whole or in part, any indebtedness or liability of any person or corporation to the State or any

unicipality therein; creating, increasing, or decreasing fees, percentages, or lowances of public officers; changing the laws of descent; granting to any rporation, association, or individual the right to lay down railroad tracks any special or exclusive privilege, immunity, or franchise, or amending isting charters for such purpose; changing the rules of evidence in any trial inquiry; the limitation of sections; giving effect to any informal or invalid ed, will, or other instrument; exempting property from taxation; restor- g to citizenship any person convicted of an infamous crime; the adoption legitimizing of children; changing the names of persons or places; and the eation, extension, or impairment of liens. In every other case where a neral law can be made applicable no special law shall be enacted.

SEC. 25. No law shall be enacted legalizing the unauthorized or invalid t of any officer, remitting any fine, penalty, or judgment against any officer, validating any illegal use of public funds.

SEC. 26. The legislature shall not grant to any corporation or person any ghts, franchises, privileges, immunities, or exemptions, which shall not, upon e same terms and under like conditions, inure equally to all persons or rporations; no exclusive right, franchise, privilege, or immunity shall be anted by the legislature or any municipality in this State.

SEC. 27. No law shall be enacted giving any extra compensation to any blic officer, servant, agent, or contractor after services are rendered or ntract made; nor shall the compensation of any officer be increased or minished during his term of office, except as otherwise provided in this nstitution.

SEC. 28. No member of the legislature shall, during the term for which is elected, be appointed to any civil office in the State, nor shall he with- one year thereafter be appointed to any civil office created or the emolu- ents of which were increased during such term; nor shall any member of the gislature during the term for which he was elected, nor within one year ereafter, be interested directly or indirectly in any contract with the State any municipality thereof, which was authorized by any law passed dur- g such term.

SEC. 29. No law authorizing indebtedness shall be enacted which does not ovide for levying a tax sufficient to pay the interest and for the payment at aturity of the principal.

SEC. 30. Except interest or other payments on the public debt, money all be paid out of the treasury only upon appropriations made by the legis- ture. No money shall be paid therefrom except upon warrant drawn by e proper officer. Every law making an appropriation shall distinctly specify e sum appropriated and the object to which it is to be applied.

SEC. 31. No appropriation shall be made for charitable, educational, or her benevolent purposes to any person, corporation, association, institution, community not under the absolute control of the State, but the legislature ay, in its discretion, make appropriations for the charitable institutions and spitals, for the maintenance of which annual appropriations were made by e legislative assembly of nineteen hundred and nine.

SEC. 32. No obligation or liability of any person, association, or cor- ration, held or owned by or owing to the State, or any municipal corpora- on therein, shall ever be exchanged, transferred, remitted, released, postponed, in any way diminished by the legislature, nor shall any such obligation or bility be extinguished except by the payment thereof into the proper treas- y, or by proper proceedings in court.

SEC. 33. No person shall be exempt from prosecution and punishment for y crime or offenses against any law of this State by reason of the subse- ent repeal of such law.

SEC. 34. No act of the legislature shall affect the right or remedy of ther party, or change the rules of evidence or procedure in any pending se.

SEC. 35. The sole power of impeachment shall be vested in the house of presentatives, and a concurrence of a majority of all the members elected

shall be necessary to the proper exercise thereof. All impeachments shall
tried by the senate. When sitting for that purpose the senators shall be und
oath or affirmation to do justice according to the law and the evidence. Wh
the governor or lieutenant governor is on trial, the chief justice of the supre
court shall preside. No person shall be convicted without the concurren
of two-thirds of the senators elected.

SEC. 36. All State officers and judges of the district court shall be lial
to impeachment for crimes, misdemeanors, and malfeasance in office, but jud
ment in such cases shall not extend further than removal from office and d
qualifications to hold any office of honor, trust, or profit, or to vote under t
laws of this State; but such officer or judge, whether convicted or acquitt
shall, nevertheless, be liable to prosecution, trial, judgment, punishment,
civil action according to law. No officer shall exercise any powers or duti
of his office after notice of his impeachment is served upon him until he
acquitted.

SEC. 37. It shall not be lawful, for a member of the legislature to use
pass, or to purchase or receive transportation over any railroad upon terr
not open to the general public; and the violation of this section shall wo
a forfeiture of the office.

SEC. 38. The legislature shall enact laws to prevent trusts, monopolie
and combinations in restraint of trade.

SEC. 39. Any member of the legislature who shall vote or use his i
fluence for or against any matter pending in either house in consideration
any money, thing of value, or promise thereof, shall be deemed guilty
bribery; and any member of the legislature or other person who shall direct
or indirectly offer, give, or promise any money, thing of value, privilege,
personal advantage to any member of the legislature to influence him
vote or work for or against any matter pending in either house; or any member
the legislature who shall solicit from any person or corporation any mone
thing of value, or personal advantage for his vote or influence as such me
ber shall be deemed guilty of solicitation of bribery.

SEC. 40. Any person convicted of any of the offenses mentioned in se
tions thirty-seven and thirty-nine hereof, shall be deemed guilty of a felo
and upon conviction shall be punished by fine of not more than one thousa
dollars or by imprisonment in the penitentiary for not less than one or mo
than five years.

SEC. 41. Any person may be compelled to testify in any lawful investig
tion or judicial proceeding against another charged with bribery or solici
tion of bribery as defined herein, and shall not be permitted to withhold h
testimony on the ground that it might incriminate or subject him to pub
infamy; but such testimony shall not be used against him in any judici
proceeding against him except for perjury in giving such testimony.

APPORTIONMENT.

Until changed by law as hereinafter provided, the legislative districts
the State shall be constituted as follows:

SENATORIAL DISTRICTS.

First: The county of San Miguel, one senator.

Second: The counties of San Miguel and Mora, one senator to be
resident of Mora County, and to be elected by the electors of Mora and S
Miguel Counties.

Third: The counties of Guadalupe and San Miguel, one senator.

Fourth: The county of Rio Arriba, one senator.

Fifth: The counties of Bernalillo, San Juan, and Sandoval, one senator

Sixth: The counties of Rio Arriba and Sandoval, one senator.

Seventh: The county of Bernalillo, one senator.

Eighth: The county of Colfax, one senator.

Ninth: The counties of Union and Colfax, one senator, to be a reside

of Union County and to be elected by the qualified electors of Union and Colfax Counties.

Tenth: The county of Santa Fe, one senator.
Eleventh: The county of Taos, one senator.
Twelfth: The county of Valencia, one senator.
Thirteenth: The counties of Sierra, Grant, Luna, and Socorro, one senator.
Fourteenth: The county of Socorro, one senator.
Fifteenth: The counties of Torrance, Otero, Lincoln, and Socorro, one senator.
Sixteenth: The county of Dona Ana, one senator.
Seventeenth: The county of McKinley, one senator.
Eighteenth: The counties of Otero and Lincoln, one senator.
Nineteenth: The county of Chaves, one senator.
Twentieth: The county of Eddy, one senator.
Twenty-first: The county of Roosevelt, one senator.
Twenty-second: The county of Quay, one senator.
Twenty-third: The county of Curry, one senator.
Twenty-fourth: The county of Grant, one senator.

REPRESENTATIVE DISTRICTS.

First: The county of Valencia, two members.
Second: The county of Socorro, two members.
Third: The county of Bernalillo, three members.
Fourth: The county of Santa Fe, two members.
Fifth: The county of Rio Arriba, two members.
Sixth: The county of San Miguel, three members.
Seventh: The county of Mora, two members.
Eighth: The county of Colfax, two members.
Ninth: The county of Taos, two members.
Tenth: The county of Sandoval, one member.
Eleventh: The county of Union, two members.
Twelfth: The county of Torrence, one member.
Thirteenth: The county of Guadelupe, one member.
Fourteenth: The county of McKinley, two members.
Fifteenth: The county of Dona Ana, two members.
Sixteenth: The county of Lincoln, one member.
Seventeenth: The county of Otero, one member.
Eighteenth: The county of Chaves, three members.
Nineteenth: The county of Eddy, two members.
Twentieth: The county of Roosevelt, one member.
Twenty-first: The county of Luna, one member.
Twenty-second: The county of Grant, two members.
Twenty-third: The county of Sierra, one member.
Twenty-fourth: The county of San Juan, one member.
Twenty-fifth: The county of Quay, two members.
Twenty-sixth: The county of Curry, one member.
Twenty-seventh: The counties of Rio Arriba and Sandoval, one member.
Twenty-eighth: The counties of Torrance, Santa Fe, and Guadalupe, one member.
Twenty-nine: The counties of San Miguel and Guadalupe, one member.
Thirtieth: The counties of Lincoln, Otero, and Socorro, one member.

Upon the creation of any new county it shall be annexed to some contiguous district for legislative purposes.

At the first session after the publication of the census of the United States in the year nineteen hundred and twenty and at the first session after each United States census thereafter, the legislature may reapportion the legislative districts of the State upon the basis of population; provided that each county included in each district shall be contiguous to some other county therein.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a governor, l tenant-governor, secretary of state, state auditor, state treasurer, attorn general, superintendent of public instruction and commissioner or [of] pu lands, who shall be elected for the term of two years beginning on the f day of January next after their election.

Such officers shall, after having served two consecutive terms, be ineli to hold any state office for two years thereafter.

The officers of the executive department except the lieutenant-governor, s during their terms of office, reside and keep the public records, books, pa and seals of office at the seat of government.[1]

SEC. 2. The returns of every election for State officers shall be sealed and transmitted to the secretary of state, who, with the governor and c justice, shall constitute the State canvassing board, which shall canvass declare the result of the election. The person having the highest numbe votes for any office, as shown by said returns, shall be declared duly elec If two or more have an equal and the highest number of votes for the s office, one of them shall be chosen therefor by the legislature on joint ballot.

SEC. 3. No person shall be eligible to any office specified in section hereof unless he be a citizen of the United States, at least thirty years age, nor unless he shall have resided continuously in New Mexico for five y next preceding his election; nor to the office of attorney general unless h licensed attorney of the supreme court of New Mexico in good standing; to the office of superintendent of public instruction unless he be a trained experienced educator.

SEC. 4. The supreme executive power of the State shall be vested in governor, who shall take care that the laws be faithfully executed. He s be commander in chief of the military forces of the State, except when t are called into the service of the United States. He shall have power to out the militia to preserve the public peace, execute the laws, suppress insur tion, and repel invasion.

SEC. 5. The governor shall nominate, and, by and with the consent of senate, appoint all officers whose appointment or election is not otherwise vided for, and may remove any officer appointed by him for incompete neglect of duty, or malfeasance in office. Should a vacancy occur in any S office, except lieutenant governor and member of the legislature, the gove shall fill such office by appointment, and such appointee shall hold office t the next general election, when his successor shall be chosen for the unexp term.

SEC. 6. Subject to such regulations as may be prescribed by law, governor shall have power to grant reprieves and pardons, after convict for all offenses except treason and in cases of impeachment.

SEC. 7. In case of a vacancy in the office of governor, the lieute governor shall succeed to that office and to all the powers, duties, and em ments thereof. In case the governor is absent from the State, or is for reason unable to perform his duties, the lieutenant governor shall act as ernor, with all the powers, duties, and emoluments of that office, until disability be removed. In case there is no lieutenant governor, or in he is for any reason unable to perform the duties of governor, then the s tary of state, or in case there is no secretary of state, or he is for any re

[1] Amendment proposed by the legislature of 1913 and ratified at the electio November 3, 1914. The text of the original section is as follows:

Section 1. The executive department shall consist of a governor, lieutenant ernor, secretary of state, State auditor, State treasurer, attorney general, superint ent of public instruction, and commissioner of public lands, who shall be elected for term of four years beginning on the first day of January next after their election.

Such officers, except the commissioner of public lands and superintendent of pu instruction, shall be ineligible to succeed themselves after serving one full term. officers of the executive department, except the lieutenant governor, shall, during t terms of office, reside and keep the public records, books, papers and seals of offic the seat of government.

unable to perform the duties of governor, then the president pro tempore of the senate shall succeed to the office of governor or act as governor as hereinbefore provided.

SEC. 8. The lieutenant governor shall be president of the senate, but shall vote only when the senate is equally divided.

SEC. 9. Each officer of the executive department and of the public institutions of the State shall keep an account of all moneys received by him and make reports thereof to the governor under oath, annually, and at such other times as the governor may require, and shall, at least thirty days preceding each regular session of the legislature, make a full and complete report to the governor, who shall transmit the same to the legislature.

SEC. 10. There shall be a State seal, which shall be called the "Great Seal of the State of New Mexico," and shall be kept by the secretary of state.

SEC. 11. All commissions shall issue in the name of the State, be signed by the governor and attested by the secretary of state, who shall affix the State seal thereto.

SEC. 12. The annual compensation to be paid to the officers mentioned in section one of this article shall be as follows: Governor, five thousand dollars; secretary of state, three thousand dollars; State auditor, three thousand dollars; State treasurer, three thousand dollars; attorney general, four thousand dollars; superintendent of public instruction, three thousand dollars; and commissioner of public lands, three thousand dollars, which compensation shall be paid to the respective officers in equal quarterly payments.

The lieutenant governor shall receive ten dollars per diem while acting as presiding officer of the senate, and mileage at the same rate as a State senator.

The compensation herein fixed shall be full payment for all services rendered by said officers, and they shall receive no other fees or compensation whatsoever.

The compensation of any of said officers may be increased or decreased by law after the expiration of ten years from the date of the admission of New Mexico as a State.

SEC. 13. All district, county, precinct, and municipal officers shall be residents of the political subdivisions for which they are elected or appointed.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the senate when sitting as a court of impeachment, a supreme court, district courts, probate courts, justices of the peace, and such courts inferior to the district courts as may be established by law from time to time in any county or municipality of the State, including juvenile courts.

SEC. 2. The appellate jurisdiction of the supreme court shall be coextensive with the State and shall extend to all final judgments and decisions of the district courts, and said court shall have such appellate jurisdiction of interlocutory orders and decisions of the district courts as may be conferred by law.

SEC. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus against all State officers, boards, and commissions, and shall have a superintending control over all inferior courts; it shall also have power to issue writs of mandamus, error, prohibition, habeas corpus, certiorari, injunction, and all other writs necessary or proper for the complete exercise of its jurisdiction, and to hear and determine the same. Such writs may be issued by direction of the court, or by any justice thereof. Each justice shall have power to issue writs of habeas corpus upon petition by or on behalf of a person held in actual custody, and to make such writs returnable before himself or before the supreme court, or before any of the district courts or any judge thereof.

SEC. 4. The supreme court of the State shall consist of three justices, who

shall be elected at the general election for Representatives in Congress for term of eight years.

At the first election for State officers after the adoption of this constitution there shall be elected three justices of the supreme court, who shall immediately qualify and classify themselves by lot, so that one of them shall hold office until four years, one until six years, and one until eight years, from and after the first day of January, nineteen hundred and thirteen. A certificate of such classification shall be filed in the office of the secretary of state. Until otherwise provided by law, the justice who has the shortest term to serve shall be the chief justice and shall preside at all the sessions of the court; and in his absence the justice who has the next shortest term to serve shall preside; but no justice appointed or elected to fill a vacancy shall be chief justice.

SEC. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business, and a majority of the justices must concur in any judgment of the court.

SEC. 6. When a justice of the supreme court shall be interested in any case, or be absent, or incapacitated, the remaining justices of the court may, in their discretion, call in any district judge of the State to act as a justice of the court.

SEC. 7. The supreme court shall hold one term each year, commencing on the second Wednesday in January, and shall be at all times in session at the seat of government; provided that the court may, from time to time, take such recess as in its judgment may be proper.

SEC. 8. No person shall be qualified to hold the office of justice of the supreme court unless he be at least thirty years old, learned in the law, and shall have been in the actual practice of law and resided in this State or the Territory of New Mexico, for at least three years. Any person whose time of service upon the bench of any district court of this State or the Territory of New Mexico, added to the time he may have practiced law, as aforesaid, shall be equal to three years, shall be qualified without having practiced for the full three years.

SEC. 9. The supreme court may appoint and remove at pleasure its reporter, bailiff, clerk, and such other officers and assistants as may be prescribed by law.

SEC. 10. After the publication of the census of the United States in the year nineteen hundred and twenty, the legislature shall have power to increase the number of justices of the supreme court to five; Provided, however, That no more than two of said justices shall be elected at one time, except to fill a vacancy.

SEC. 11. The justices of the supreme court shall each receive an annual salary of six thousand dollars, payable quarterly.

SEC. 12. The State shall be divided into eight judicial districts and a judge shall be chosen for each district by the qualified electors thereof at the election for Representatives in Congress. The terms of office of the district judges shall be six years.

SEC. 13. The district court shall have original jurisdiction in all matters and causes not excepted in this constitution, and such jurisdiction of special cases and proceedings as may be conferred by law, and appellate jurisdiction of all cases originating in inferior courts and tribunals in their respective districts, and supervisory control over the same. The district courts, or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition, and all other writs, remedial or otherwise, in the exercise of their jurisdiction: Provided, That no such writ shall issue directed to judges or courts of equal or superior jurisdiction. The district courts shall also have the power of naturalization in accordance with the laws of the United States. Until otherwise provided by law, at least two terms of the district court shall be held annually in each county at the county seat.

SEC. 14. The qualifications of the district judges shall be the same as those

f justices of the supreme court. Each district judge shall reside in the district or which he was elected.

SEC. 15. Any district judge may hold district court in any county at the equest of the judge of such district.

Whenever the public business may require, the chief justice of the supreme ourt shall designate any district judge of the State to hold court in any istrict, and two or more district judges may sit in any district or county eparately at the same time. If any judge shall be disqualified from hearing ny cause in the district, the parties to such cause, or their attorneys of ecord, may select some member of the bar to hear and determine said cause, nd act as judge pro tempore therein.

SEC. 16. The legislature may increase the number of district judges in ny judicial district, and they shall be elected as other district judges. At s first session after the publication of the census of the United States in he year nineteen hundred and twenty, and at the first session after each nited States census thereafter, the legislature may re-arrange the districts f the State, increase the number thereof, and make provision for a district udge for any additional district.

SEC. 17. Each judge of the district court shall receive an annual salary f four thousand five hundred dollars, payable quarterly by the State.

SEC. 18. No judge of any court nor justice of the peace shall, except by onsent of all parties, sit in the trial of any cause in which either of the arties shall be related to him by affinity or consanguinity within the degree f first cousin, or in which he was counsel, or in the trial of which he pre- ded in any inferior court, or in which he has an interest.

SEC. 19. No judge of the supreme or district courts shall be nominated r elected to any other than a judicial office in this State.

SEC. 20. All writs and processes shall issue, and all prosecution shall be onducted in the name of "The State of New Mexico."

SEC. 21. Justices of the supreme court in the State, district judges in their espective districts and justices of the peace in their respective counties, shall e conservators of the peace. District judges and justices of the peace may old preliminary examinations in criminal cases.

SEC. 22. Until otherwise provided by law, a county clerk shall be elected in ach county who shall, in the county for which he is elected, perform all the uties now performed by the clerks of the district courts and clerks of the robate courts.

SEC. 23. A probate court is hereby established for each county, which hall be a court of record, and, until otherwise provided by law, shall have he same jurisdiction as is now exercised by the probate courts of the Terri- ory of New Mexico. The legislature shall have power from time to time o confer upon the probate court in any county in this State, general civil urisdiction coextensive with the county; provided, however, that such court hall not have jurisdiction in civil causes in which the matter in controversy hall exceed in value one thousand dollars, exclusive of interest; nor in any ction for malicious prosecution, divorce and alimony, slander and libel; nor in ny action against officers for misconduct in office; nor in any action for the pecific performance of contracts for the sale of real estate; nor in any action or the possession of land; nor in any matter wherein the title or boun- aries of land may be in dispute or drawn in question; nor to grant writs of injunction, habeas corpus or extraordinary writs. Jurisdiction may be con- erred upon the judges of said court to act as examining and committing magis- rates in criminal cases, and upon said courts for the trial of misdemeanors in hich the punishment cannot be imprisonment in the penitentiary, or in which he fine cannot be in excess of one thousand dollars. A jury for the trial of uch cases shall consist of six men.

Any civil or criminal case pending in the probate court, in which the pro- ate judge is disqualified, shall be transferred to the district court of the same ounty for trial.

SEC. 24. There shall be a district attorney for each judicial district, who

shall be learned in the law, and who shall have been a resident of New Mexico for three years next prior to his election, shall be the law officer of the State and of the counties within his district, shall be elected for a term of four years, and shall perform such duties and receive such salary as may be prescribed by law.

The legislature shall have the power to provide for the election of additional district attorneys in any judicial district and to designate the counties therein for which the district attorneys shall serve; but no district attorney shall be elected for any district of which he is not a resident.

SEC. 25. The State shall be divided into eight judicial districts, as follows:

First district: The counties of Santa Fe, Rio Arriba, and San Juan;
Second district: The counties of Bernalillo, McKinley, and Sandoval;
Third district: The counties of Dona Ana, Otero, Lincoln, and Torrance;
Fourth district: The counties of San Miguel, Mora, and Guadalupe;
Fifth district: The counties of Eddy, Chaves, Roosevelt, and Curry;
Sixth district: The counties of Grant and Luna;
Seventh district: The counties of Socorro, Valencia, and Sierra;
Eighth district: The counties of Taos, Colfax, Union and Quay.

In case of the creation of new counties the legislature shall have power to attach them to any contiguous district for judicial purposes.

SEC. 26. Justices of the peace, police magistrates, and constables shall be elected in and for such precincts or districts as are or may be provided by law. Such justices and police magistrates shall not have jurisdiction in any matter in which the title to real estate or the boundaries of land may be in dispute or drawn in question or in which the debt or sum claimed shall be in excess of two hundred dollars exclusive of interest.

SEC. 27. Appeals shall be allowed in all cases from the final judgments and decisions of the probate courts and justices of the peace to the district courts, and in all such appeals trial shall be had de novo unless otherwise provided by law.

ARTICLE VII.

ELECTIVE FRANCHISE.

SECTION 1. Every male citizen of the United States, who is over the age of twenty-one years, and has resided in New Mexico twelve months, in the county ninety days, and in the precinct in which he offers to vote thirty days next preceding the election, except idiots, insane persons, persons convicted of a felonious or infamous crime, unless restored to political rights, and Indians not taxed, shall be qualified to vote at all elections for public officers. All school elections shall be held at different times from other elections. Women possessing the qualifications prescribed in this section for male electors shall be qualified electors at all such school elections: Provided, That if a majority of the qualified voters of any school district shall, not less than thirty days before any school election, present a petition to the board of county commissioners against women suffrage in such district, the provisions of this section relating to women suffrage shall be suspended therein, and such provision shall become again operative only upon the filing with said board of a petition signed by a majority of the qualified voters favoring the restoration thereof. The board of county commissioners shall certify the suspension or restoration of such suffrage to the proper school district.

The legislature shall have the power to require the registration of the qualified electors as a requisite for voting, and shall regulate the manner, time and places of voting. The legislature shall enact such laws as will secure the secrecy of the ballot, the purity of elections, and guard against the abuse of elective franchise. Not more than two members of the board of registration and not more than two judges of election shall belong to the same political party at the time of their appointment.

SEC. 2. Every male citizen of the United States who is a legal resident of the State and is a qualified elector therein shall be qualified to hold any public office in the State, except as otherwise provided in this constitution

rovided, however, That women possessing the qualifications of male electors escribed in paragraph one of this article shall be qualified to hold the office county school superintendent and shall also be eligible for election to the ice of school director or members of a board of education.

SEC. 3. The right of any citizen of the State to vote, hold office, or sit on juries, shall never be restricted, abridged, or impaired on account of ligion, race, language, or color, or inability to speak, read, or write the Eng-h or Spanish languages except as may be otherwise provided in this consti-tion; and the provisions of this section and of section one of this article shall ver be amended except upon a vote of the people of this State in an election which at least three-fourths of the electors voting in the whole State, and least two-thirds of those voting in each county of the State, shall vote for ch amendment.

SEC. 4. No person shall be deemed to have acquired or lost residence by ason of his presence or absence while employed in the service of the United ates or the State, nor while a student at any school.

SEC. 5. All elections shall be by ballot, and the person who receives the ghest number of votes for any office shall be declared elected thereto.

ARTICLE VIII.

TAXATION AND REVENUE.[2]

SECTION 1. Taxes levied upon tangible property shall be in proportion to e value thereof, and taxes shall be equal and uniform upon subjects of tax-ion of the same class.

SEC. 2. Taxes levied upon real or personal property for state revenue shall t exceed four mills annually on each dollar of the assessed valuation thereof cept for the support of the educational, penal and charitable institutions of e state, payment of the state debt and interest thereon; and the total annual x levy upon such property for all state purposes exclusive of necessary levies r the state debt shall not exceed ten mills.

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[2] The whole of original Article VIII, consisting of thirteen sections, was stricken t and the present Article of seven sections inserted in lieu thereof by an amendment oposed by the legislature of 1913 and ratified at the election of November 3, 1914. e text of the original Article is as follows:

Section 1. The rate of taxation shall be equal and uniform upon all subjects taxation.

Sec. 2. The legislature shall have power to provide for the levy and collection license, franchise, excise, income, collateral, and direct inheritance, legacy, and suc-ssion taxes; also graduated income taxes, graduated collateral, and direct inheritance xes, graduated legacy and succession taxes, and other specific taxes, including taxes on the production and output of mines, oil lands, and forests; but no double taxation all be permitted.

Sec. 3. The enumeration of subjects of taxation in section two of this article shall t deprive the legislature of the power to require other subjects to be taxed in such anner as may be consistent with the principles of taxation fixed in this constitution.

Sec. 4. There shall be levied annually for State revenue a tax not to exceed four ills on each dollar of the assessed valuation of the property in the State, except for e support of the educational, penal, and charitable institutions of the State, pay-ent of the State debt and interest thereon. For the first two years after this con-itution goes into effect the total annual tax levy for all State purposes exclusive of ecessary levies for the State debt shall not exceed twelve mills; and thereafter it shall t exceed ten mills.

Sec. 5. A State board of equalization is hereby created, which shall consist of the overnor, traveling auditor, State auditor, secretary of state, and attorney general. ntil otherwise provided, said board shall have and exercise all the powers now vested the Territorial board of equalization.

Sec. 6. The legislature shall have no power to release or discharge any county, ty, town, school district, or other municipal corporation or subdivision of the State, om its proportionate share of taxes levied for any purpose.

Sec. 7. The property of the United States, the State, and all counties, towns, ties, and school districts, and other municipal corporations, public libraries, com-unity ditches and all laterals thereof, all church property, all property used for edu-ational or charitable purposes, all cemeteries not used or held for private or corporate rofit, and all bonds of the State of New Mexico, and of the counties, municipalities, nd districts thereof shall be exempt from taxation.

Sec. 8. The power to license and tax corporations and corporate property shall not

SEC. 3. The property of the United States, the State and all Counti Towns, Cities and School Districts, and other municipal corporations, publ libraries, community ditches and all laterals thereof, all church property, a property used for educational or charitabe purposes, all cemeteries not us or held for private or corporate profit, and all bonds of the State of Ne Mexico, and of the counties, municipalities and districts thereof shall be exem from taxation.

SEC. 4. Any public officer making any profit out of public monies or usi the same for any purpose not authorized by law, shall be deemed guilty of felony and shall be punished as provided by law, and shall be disqualified hold public office. All public monies not invested in interest bearing securiti shall be deposited in national banks in this State or in banks or trust co panies incorporated under the laws of the State, and the interest deriv therefrom shall be applied in the manner prescribed by law.

SEC. 5. The legislature may exempt from taxation property of each hea of a family to the amount of two hundred dollars.

SEC. 6. Lands held in large tracts shall not be assessed for taxation any lower value per acre then [than] lands of the same character or quali and similarly situated, held in smaller tracts. The plowing of land shall n be considered as adding value thereto for the purpose of taxation.

SEC. 7. No execution shall issue upon any judgment rendered against t board of county commissioners of any county, or against any incorporat city, town or village, school district or board of education; or against a officer of any county, incorporated city, town or village, school district or boa of education, upon any judgment recovered against him in his official capaci and for which the county, incorporated city, town or village, school distri or board of education, is liable, but the same shall be paid out of the procee of a tax levy as other liabilities of counties, incorporated cities, towns or v lages, school districts or boards of education, and when so collected shall paid by the county treasurer to the judgment creditor.

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be relinquished or suspended by the State or any subdivision thereof: *Provided*, Th the legislature may, by general law, exempt new railroads from taxation for not mo than six years from and after the completion of any such railroad and branches; su railroad being deemed to be completed for the purpose of taxation, as to any operati division thereof, when the same is opened for business to the public; and new sug factories, smelters, reduction and refining works, and pumping plants for irrigati purposes and irrigation works, for not more than six years from and after their esta lishment.

Sec. 9. All property within the territorial limits of the authority levying the ta and subject to taxation, shall be taxed therein for State, county, municipal, and oth purposes: *Provided*, That the State board of equalization shall determine the value all property of railroad, express, sleeping-car, telegraph, telephone, and other transpo tation or transmission companies, used by such companies in the operation of their ra road, express, sleeping-car, telegraph, or telephone lines, or other transportation transmission lines, and shall certify the value thereof as so determined to the coun and municipal taxing authorities.

Sec. 10. Any public officer making any profit out of public moneys or using t same for any purpose not authorized by law shall be deemed guilty of a felony a shall be punished as provided by law, and shall be disqualified to hold public office. A public moneys not invested in interest-bearing securities shall be deposited in nation banks in this State or in banks or trust companies incorporated under the laws of t State, and the interest derived therefrom shall be applied in the manner prescrib by law.

Sec. 11. The legislature may exempt from taxation property of each head of family to the amount of two hundred dollars.

Sec. 12. Lands held in large tracts shall not be assessed for taxation at a lower value per acre than lands of the same character or quality and similarly sit ated held in smaller tracts. The plowing of land shall not be considered as addd value thereto for the purpose of taxation.

Sec. 13. No execution shall issue upon any judgment rendered against the board county commissioners of any county, or against any city, incorporated town or villag school district, or board of education, or against any officer of any county, ci school district, or board of education, upon any judgment recovered against him his official capacity and for which the county, city, incorporated town or village, scho district or board of education is liable, but the same shall be paid out of the procee of a tax levy, as other liabilities of counties, cities, incorporated towns or village school districts or boards of education, and when so collected shall be paid by t county treasurer to the judgment creditor.

ARTICLE IX.

STATE, COUNTY AND MUNICIPAL INDEBTEDNESS.

SECTION 1. The State hereby assumes the debts and liabilities of the Territory of New Mexico, and the debts of the counties thereof, which were valid and subsisting on June twentieth, nineteen hundred and ten, and pledges its faith and credit for the payment thereof. The legislature shall, at its first session, provide for the payment of refunding thereof by the issue and sale of bonds or otherwise.

SEC. 2. No county shall be required to pay any portion of the debt of any other county so assumed by the State, and the bonds of Grant and Santa Fe Counties, which were validated, approved, and confirmed by act of Congress of January sixteenth, eighteen hundred and ninety-seven, shall be paid as hereinafter provided.

SEC. 3. The bonds authorized by law to provide for the payment of such indebtedness shall be issued in three series, as follows:

Series A. To provide for the payment of such debts and liabilities of the Territory of New Mexico.

Series B. To provide for the payment of such debts of said counties.

Series C. To provide for the payment of the bonds and accrued interest thereon of Grant and Santa Fe Counties, which were validated, approved, and confirmed by act of Congress January sixteenth, eighteen hundred and ninety-seven.

SEC. 4. The proper officers of the State shall, as soon as practicable, select and locate the one million acres of land granted to the State by Congress for the payment of the said bonds of Grant and Santa Fe Counties, and sell the same or sufficient thereof to pay the interest and principal of the bonds of series C issued as provided in section three hereof. The proceeds of rentals and sales of said land shall be kept in a separate fund and applied to the payment of the interest and principal of the bonds of series C. Whenever there is not sufficient money in said fund to meet the interest and sinking fund requirements therefor, the deficiency shall be paid out of any funds of the State not otherwise appropriated, and shall be repaid to the State or to the several counties which may have furnished any portion thereof under a general levy, out of the proceeds subsequently received of rentals and sales of said lands.

Any money received by the State from rentals and sales of said lands in excess of the amounts required for the purposes above mentioned shall be paid into the current and permanent school funds of the State, respectively.

SEC. 5. The legislature shall never enact any law releasing any county, or any of the taxable property therein, from its obligation to pay to the State any moneys expended by the State by reason of its assumption or payment of the debt of such county.

SEC. 6. No law shall ever be passed by the legislature validating or legalizing, directly or indirectly, the militia warrants alleged to be outstanding against the Territory of New Mexico, or any portion thereof; and no such warrant shall be prima facie or conclusive evidence of the validity of the debt purporting to be evidenced thereby or by any other militia warrant. This provision shall not be construed as authorizing any suit against the State.

SEC. 7. The State may borrow money not exceeding the sum of two hundred thousand dollars in the aggregate to meet casual deficits or failure in revenue or for necessary expenses. The State may also contract debts to suppress insurrection and to provide for the public defense.

SEC. 8. No debt other than those specified in the preceding section shall be contracted by or on behalf of this State, unless authorized by law for some specified work or object, which law shall provide for an annual tax levy sufficient to pay the interest and to provide a sinking fund to pay the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall have been submitted to the qualified electors of the State and have received a majority of all the votes cast thereon

at a general election; such law shall be published in full in at least one newspaper in each county of the State, if one be published therein, once each week, for four successive weeks next preceding such election. No debt shall be so created if the total indebtedness of the State exclusive of the debts of the Territory, and the several counties thereof, assumed by the State, would thereby be made to exceed one per centum of the assessed valuation of all the property subject to taxation in the State as shown by the preceding general assessment.

SEC. 9. Any money borrowed by the State, or any county, district, or municipality thereof, shall be applied to the purpose for which it was obtained, or to repay such loan and to no other purpose whatever.

SEC. 10. No county shall borrow money except for the purpose of erecting necessary public buildings or constructing or repairing public roads and bridges, and in such cases only after the proposition to create such debt shall have been submitted to the qualified electors of the county who paid a property tax therein during the preceding year and approved by a majority of those voting thereon. No bonds issued for such purpose shall run for more than fifty years.

SEC. 11. No school district shall borrow money, except for the purpose of erecting and furnishing school buildings or purchasing school grounds, and in such cases only when the proposition to create the debt shall have been submitted to the qualified electors of the district and approved by a majority of those voting thereon. No school district shall ever become indebted in an amount exceeding six per centum on the assessed valuation of the taxable property within such school district, as shown by the preceding general assessment.

SEC. 12. No city, town, or village shall contract any debt except by an ordinance, which shall be irrepealable until the indebtedness therein provided for shall have been fully paid or discharged, and which shall specify the purposes to which the funds to be raised shall be applied, and which shall provide for the levy of a tax, not exceeding twelve mills on the dollar upon all taxable property within such city, town, or village, sufficient to pay the interest on, and to extinguish the principal of, such debt within fifty years. The proceeds of such tax shall be applied only to the payment of such interest and principal. No such debt shall be created unless the question of incurring the same shall, at a regular election for councilmen, aldermen, or other officers of such city, town, or village, have been submitted to a vote of such qualified electors thereof as have paid a property tax therein during the preceding year, and a majority of those voting on the question, by ballot deposited in a separate ballot box, shall have voted in favor of creating such debt.

SEC. 13. No county, city, town, or village shall ever become indebted to an amount in the aggregate, including existing indebtedness, exceeding four per centum on the value of the taxable property within such county, city, town, or village as shown by the last preceding assessment for State or county taxes; and all bonds or obligations issued in excess of such amount shall be void: Provided, That any city, town, or village may contract debts in excess of such limitation for the construction or purchase of a system for supplying water, or of a sewer system for such city, town, or village.

SEC. 14. Neither the State, nor any county, school district, or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association, or public or private corporation, or in aid of any private enterprise for the construction of any railroad: Provided, Nothing herein shall be construed to prohibit the State or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

SEC. 15. Nothing in this article shall be construed to prohibit the issue of bonds for the purpose of paying or refunding any valid State, county, district, or municipal bonds, and it shall not be necessary to submit the question of the issue of such bonds to a vote as herein provided.

ARTICLE X.

COUNTY AND MUNICIPAL CORPORATIONS.

SECTION 1. The legislature shall, at its first session, classify the counties and fix salaries for all county officers, which shall also apply to those elected at the first election under this constitution. And no county officer shall receive to his own use any fees or emoluments other than the annual salary provided by law, and all fees earned by any officer shall be by him collected and paid into the treasury of the county.

SEC. 2. All county officers shall be elected for a term of two years, and after having served two consecutive terms, shall be ineligible to hold any county office for two years thereafter.[3]

SEC. 3. No county seat, where there are county buildings, shall be removed unless three-fifths of the votes cast by qualified electors on the question of removal at an election called and held as now or hereafter provided by law be in favor of such removal. The proposition of removal shall not be submitted in the same county oftener than once in eight years.

ARTICLE XI.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. A permanent commission to consist of three members is hereby created, which shall be known as the "State corporation commission."

SEC. 2. The members of the commission shall be elected for the term of six years: Provided, That those chosen at the first election for State officers shall immediately qualify, and classify themselves by lot, so that one of them shall hold office until two years, one until four years, and one until six years from and after January first, nineteen hundred and thirteen; and thereafter one commissioner shall be elected at each general election.

SEC. 3. No officer, agent, or employee of any railway, express, telegraph, telephone, sleeping car, or other transportation or transmission company, while representing such company, nor any person financially interested therein, shall hold office as a member of the commission, or perform any of the duties thereof, and no commissioner shall be qualified to act upon any matter pending before the commission, in which he is interested, either as principal, agent, or attorney.

SEC. 4. The commission shall annually elect one of its members chairman and shall have one clerk, and such other officers, assistants, and subordinates as may be prescribed by law, all of whom shall be appointed and subject to removal by the commission. The commission shall prescribe its own rules of order and procedure, except so far as specified in this constitution. The attorney general of the State, or his legally authorized representative, shall be the attorney for the commission.

SEC. 5. The legislature shall provide suitable quarters for the commission and funds for its lawful expenses, including necessary traveling expenses, witness fees and mileage and costs of executing process, issued by the commission or the supreme court or the district courts. The salary of each commissioner shall be three thousand dollars per annum, payable quarterly.

SEC. 6. Subject to the provisions of this constitution, and of such requirements, rules, and regulations as may be prescribed by law, the State corporation commission shall be the department of government through which shall be issued all charters for domestic corporations and amendments or extensions thereof, and all licenses to foreign corporations to do business in this State; and through which shall be carried out all the provisions of this constitution relating to corporations and the laws made in pursuance thereof. The commission shall prescribe the form of all reports which may be required of corporations by this constitution or by law, and shall collect, receive, and preserve such reports, and annually tabulate and publish them. All fees required by

[3] Amendment proposed by the legislature of 1913 and ratified on November 3, 1914. The text of the original section is as follows:

Section 2. All county officers shall be elected for a term of four years and no county officer, except the county clerk and probate judge, shall, after having served one full term, be eligible to hold any county office for four years thereafter.

law to be paid for the filing of articles of incorporation, reports, and other documents shall be collected by the commission and paid into the State treasury. All charters, papers, and documents relating to corporations on file in the office of the secretary of the Territory, the commissioner of insurance, and all other Territorial offices shall be transferred to the office of the commission.

SEC. 7. The commission shall have power, and be charged with the duty of fixing, determining, supervising, regulating, and controlling all charges and rates of railway, express, telegraph, telephone, sleeping car, and other transportation and transmission companies and common carriers within the State; to require railway companies to provide and maintain adequate depots, stockpens, station buildings, agents, and facilities for the accommodation of passengers and for receiving and delivering freight and express; and to provide and maintain necessary crossings, culverts, and sidings upon and alongside of their roadbeds whenever in the judgment of the commission the public interest demand, and as may be reasonable and just. The commission shall also have power and be charged with the duty to make and enforce reasonable and just rules requiring the supplying of cars and equipment for the use of shippers and passengers, and to require all intrastate railways, transportation companies or common carriers to provide such reasonable safety appliances in connection with all equipment as may be necessary and proper for the safety of its employes, and the public, and as are now and may be required by the Federal laws, rules, and regulations governing interstate commerce. The commission shall have power to change or alter such rates, to change, alter, or amend its orders, rules, regulations, or determinations, and to enforce the same in the manner prescribed herein: Provided, That in the matter of fixing rates of telephone and telegraph companies due consideration shall be given to the earnings, investment, and expenditure as a whole within the State.

The commission shall have power to subpoena witnesses and enforce their attendance before the commission through any district courts or the supreme court of the State, and through such court to punish for contempt, and it shall have power, upon a hearing to determine and decide any question given to it herein, and in case of failure or refusal of any person, company, or corporation to comply with any order within the time limit therein, unless an order of removal shall have been taken from such order by the company or corporation to the supreme court of this State, it shall immediately become the duty of the commission to remove such order, with the evidence adduced upon the hearing, with the documents in the case, to the supreme court of this State. Any company, corporation, or common carrier which does not comply with the order of the commission within the time limited therefor may file with the commission a petition to remove such cause to the supreme court, and in the event of such removal by the company, corporation, or common carrier or other party to such hearing, the supreme court may, upon application, in its discretion or of its own motion, require or authorize additional evidence to be taken in such cause, but in the event of removal by the commission, upon failure of the company, corporation, or common carrier, no additional evidence shall be allowed. The supreme court, for the consideration of such causes arising hereunder, shall be in session at all times and shall give precedence to such causes. Any party to such hearing before the commission shall have the same right to remove the order entered therein to the supreme court of the State as given under the provisions hereof to the company or corporation against which such order is directed.

In addition to the other powers vested in the supreme court by this constitution and the laws of the State, the said court shall have the power, and it shall be its duty, to decide such cases on their merits and carry into effect its judgments, orders, and decrees made in such cases by fine, forfeiture, mandamus, injunction, and contempt or any other appropriate proceedings.

SEC. 8. The commission shall determine no question nor issue any order in relation to the matters specified in the preceding section until after a public hearing held upon ten days' notice to the parties concerned, except in case of default after such notice.

SEC. 9. It is hereby made the duty of the commissioners to exercise constant diligence in informing themselves of the rates and charges of transportation and transmission companies and common carriers engaged in the transportation of passengers and property from points in this State to points beyond its limits, and from points in other States to points in this State; and, whenever it shall come to the knowledge of the commission by complaint or in any other manner that the rate charged by any transportation or transmission company or common carrier on interstate business is unjust, excessive, or unreasonable, or that such rates discriminate against the citizens of the State, and in the judgment of the commission such complaint is well founded and the public welfare involved, the commission shall institute and prosecute to a final determination before the Interstate Commerce Commission or commerce court, or any lawful authority having jurisdiction in the premises, such proceedings as it may deem expedient to obtain such relief as conditions may require.

SEC. 10. No transportation or transmission company or common carrier shall charge or receive any greater compensation, in the aggregate, for the transportation as intrastate commerce, of passengers, or a like kind of property, or for the transmission of the same kind of message, between points in this State, for a shorter than a longer distance, over the same line or route in the same direction, the shorter being included within the longer distance; but this section shall not be construed as authorizing any such company or common carrier to charge or receive as great compensation for a shorter as for a longer distance: Provided, That telegraph and telephone companies may in certain cases, with the approval of the commission, base their charges upon the air-line distances instead of the distances actually traveled by the messages. The commission may from time to time authorize any such company or common carrier to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company or common carrier and the public, to or from any junction or competitive points, or localities, or where the competition of points located without or within this State may necessitate the prescribing of special rates for the protection of the commerce of this State, or in cases of general epidemics, pestilence, calamitous visitations, and other exigencies. This section shall not apply to mileage tickets or to any special excursion or commutation rates; or to special rates for services rendered in the interest of any public or charitable object, when such tickets or rates shall have been prescribed or authorized by the commission, nor shall it apply to special rate for services rendered to the United States or this State.

SEC. 11. The commission shall have the right at all times to inspect the books, papers, and records of all such companies and common carriers doing business in this State, and to require from such companies and common carriers from time to time special reports and statements, under oath, concerning their business. The commissioners shall have the power to administer oaths and to certify to their official acts.

SEC. 12. No corporation in existence at the time of the adoption of this constitution shall have the benefit of any future legislation, nor shall any amendment or extension to its charter be granted, until such corporation shall have filed in the office of the commission an acceptance of the provisions of this constitution: Provided, however, That whether or not they file such acceptance, such corporations shall be subject to the provisions of this constitution and the laws of this State.

GENERAL PROVISIONS.

SEC. 13. The legislature shall provide for the organization of corporations by general law. All laws relating to corporations may be altered, amended, or repealed by the legislature, at any time, when necessary for the public good and general welfare, and all corporations doing business in this State may, as to such business, be regulated, limited, or restrained by laws not in conflict with the Constitution of the United States or of this constitution.

SEC. 14. The police power of this State is supreme over all corporations as well as individuals.

SEC. 15. Every railroad, car, or express company shall, respectively, ceive and transport, without delay or discrimination, each other's cars, t nage, or passengers under such rules and regulations as may be prescribed the commission.

SEC. 16. All telephone and telegraph lines, operated for hire, shall rece and transmit each other's messages without delay or discrimination, and ma and maintain connections with each other's lines, under such rules and re lations as may be prescribed by the commission.

SEC. 17. Any railroad corporation or association organized for the p pose shall have the right to construct and operate a railroad between any poi within this State or elsewhere, and to connect at the State line or elsewh with the railroads of other States; and, under such terms, order, or permiss as may be granted in each instance by the commission, shall have the right cause its road to intersect, connect with, or cross any other railroad.

SEC. 18. The right of eminent domain shall never be so abridged or c strued as to prevent the legislature from taking the property and franchi of incorporated companies and subjecting them to the public use, the same the property of individuals.

ARTICLE XII.

EDUCATION.

SECTION 1. A uniform system of free public schools sufficient for the e cation of, and open to, all the children of school age in the State shall established and maintained.

SEC. 2. The permanent school fund of the State shall consist of the p ceeds of sales of sections two, sixteen, thirty-two, and thirty-six in each tow ship of the State, or the lands selected in lieu thereof; the proceeds of sa of all lands that have been or may hereafter be granted to the State not oth wise appropriated by the terms and conditions of the grant; such portion the proceeds of sales of lands of the United States within the State as has b or may be granted by Congress; also all other grants, gifts, and devises ma to the State, the purpose of which is not otherwise specified.

SEC. 3. The schools, colleges, universities, and other educational insti tions provided for by this constitution shall forever remain under the exc sive control of the State, and no part of the proceeds arising from the sale disposal of any lands granted to the State by Congress, or any other fu appropriated, levied, or collected for educational purposes, shall be used the support of any sectarian, denominational, or private school, college, university.

SEC. 4. All fines and forfeitures collected under general laws; the net p ceeds of property that may come to the State by escheat; the rentals of school lands and other lands granted to the State, the disposition of which not otherwise provided for by the terms of the grant or by act of Congre and the income derived from the permanent school fund; shall constitute current school fund of the State. The legislature shall provide for the l and collection of an annual tax upon all taxable property in the State for maintenance of the public schools, the proceeds of such tax levy to be ad to the current school fund above provided for. The current school fund s be distributed among the school districts of the State in the proportion t the number of children of school age in each district bears to the total num of such children in the State, and shall provide for the levy and collection additional local taxes for school purposes. A public school shall be maintai for at least five months in each year in every school district in the State.

Before making the distribution above provided for, there shall be ta from the current school fund as above created, a sufficient reserve to be tributed among school districts in which the proceeds of the annual local when levied to the limit allowed by law, plus the regular quota of curr school funds allotted to said district, shall not be sufficient for the maintai of a school for the full period of five months, and this reserve fund shall be

distributed among such districts as to enable each district to hold school for the said period.

SEC. 5. Every child of school age and of sufficient physical and mental ability shall be required to attend a public or other school during such period and for such time as may be prescribed by law.

SEC. 6. A State board of education is hereby created, to consist of seven members. It shall have the control, management, and direction of all public schools, under such regulations as may be provided by law. The governor and the State superintendent of public instruction shall be ex-officio members of said board and the remaining five members shall be appointed by the governor, by and with the consent of the senate; and shall include the head of some State educational institution, a county superintendent of schools, and one other person actually connected with educational work. The legislature may provide for district or other school officers, subordinate to said board.

SEC. 7. The principal of the permanent school fund shall be invested in the bonds of the State or Territory of New Mexico, or of any county, city, town, board of education, or school district therein. The legislature may by three-fourths vote of the members elected to each house provide that said funds may be invested in other interest-bearing securities. All bonds or other securities in which any portion of the school fund shall be invested must be first approved by the governor, attorney general, and secretary of state. All losses from such funds, however occurring, shall be reimbursed by the State.

SEC. 8. The legislature shall provide for the training of teachers in the normal schools or otherwise, so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the State, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.

SEC. 9. No religious test shall ever be required as a condition of admission into the public schools or any educational institution of this State, either as a teacher or student, and no teacher or student of such school or institution shall ever be required to attend or participate in any religious service whatsoever.

SEC. 10. Children of Spanish descent in the State of New Mexico shall never be denied the right and privilege of admission and attendance in the public schools or other public educational institutions of the State, and they shall never be classed in separate schools, but shall forever enjoy perfect equality with other children in all public schools and educational institutions of the State, and the legislature shall provide penalties for a violation of this section. This section shall never be amended except upon a vote of the people of this State in an election at which at least three-fourths of the electors voting in the whole State and at least two-thirds of those voting in each county in the State shall vote for such amendment.

SEC. 11. The University of New Mexico, at Albuquerque; the New Mexico College of Agriculture and Mechanic Arts, near Las Cruces; the New Mexico School of Mines, at Socorro; the New Mexico Military Institute, at Roswell; the New Mexico Normal University, at Las Vegas; the New Mexico Normal School, at Silver City; the Spanish-American School, at El Rito; the New Mexico Asylum for the Deaf and Dumb, at Santa Fe; and the New Mexico Institute for the Blind, at Alamogordo, are hereby confirmed as State educational institutions. The appropriations made and that may hereafter be made to the State by the United States for agricultural and mechanical colleges and experiment stations in connection therewith shall be paid to the New Mexico College of Agriculture and Mechanic Arts.

SEC. 12. All lands granted under the provisions of the act of Congress, entitled, "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal

footing with the original States," for the purposes of said several institution
are hereby accepted and confirmed to said institutions, and shall be exclu
sively used for the purposes for which they were granted: Provided, Tha
one hundred and seventy thousand acres of the land granted by said ac
for normal school purposes are hereby equally apportioned between said thre
normal institutions, and the remaining thirty thousand acres thereof is re
served for a normal school which shall be established by the legislature an
located in one of the counties of Union, Quay, Curry, Roosevelt, Chaves, o
Eddy.

SEC. 13. The legislature shall provide for the control and management o
each of said institutions by a board of regents, for each institution, consis
ing of five members to be appointed by the governor, by and with the advic
and consent of the senate, for a term of four years, and not more than thre
of whom shall belong to the same political party at the time of their appoin
ment. The duties of said boards shall be prescribed by law.

ARTICLE XIII.

PUBLIC LANDS.

SECTION 1. All lands belonging to the Territory of New Mexico, and a
lands granted, transferred, or confirmed to the State by Congress, and a
lands hereafter acquired, are declared to be public lands of the State, to b
held or disposed of as may be provided by law for the purposes for which the
have been or may be granted, donated, or otherwise acquired: Provided, Tha
such of school sections two, thirty-two, sixteen, and thirty-six as are no
contiguous to other State lands shall not be sold within the period of te
years next after the admission of New Mexico as a State for less than te
dollars per acre.

SEC. 2. The commissioner of public lands shall select, locate, classif
and have the direction, control, care, and disposition of all public lands, und
the provisions of the acts of Congress relating thereto and such regulations a
may be provided by law.

ARTICLE XIV.

PUBLIC INSTITUTIONS.

SECTION 1. The penitentiary, at Santa Fe; the Miner Hospital of Ne
Mexico, at Raton; the New Mexico Insane Asylum, at Las Vegas; and th
New Mexico Reform School, at Springer, are hereby confirmed as State i
stitutions.

SEC. 2. All lands which have been or which may be granted to th
State by Congress for the purpose of said several institutions are hereb
accepted for said several institutions with all other grants, donations,
devises for the benefit of the same and shall be exclusively used for th
purpose for which they were or may be granted, donated, or devised.

SEC. 3. Each of said institutions shall be under the control and ma
agement of a board whose title, duties, and powers shall be as may
provided by law. Each of said boards shall be composed of five membe
who shall hold office for the term of four years, and shall be appointed
the governor, by and with the consent of the senate, and not more than thr
of whom shall belong to the same political party at the time of their a
pointment.

ARTICLE XV.

AGRICULTURE AND CONSERVATION.

SECTION 1. There shall be a department of agriculture, which shall
under the control of the board of regents of the College of Agriculture a
Mechanic Arts; and the legislature shall provide lands and funds necessa
for experimental farming and demonstrating by said department.

SEC. 2. The police power of the State shall extend to such control
private forest lands as shall be necessary for the prevention and suppressi
of forest fires.

ARTICLE XVI.

IRRIGATION AND WATER RIGHTS.

SECTION 1. All existing rights to the use of any waters in this State or any useful or beneficial purpose are hereby recognized and confirmed.

SEC. 2. The unappropriated water of every natural stream, perennial or irrential, within the State of New Mexico, is hereby declared to belong to ie public and to be subject to appropriation for beneficial use, in accordnce with the laws of the State. Priority of appropriation shall give the etter right.

SEC. 3. Beneficial use shall be the basis, the measure and the limit of ie right to the use of water.

SEC. 4. The legislature is authorized to provide by law for the organizaon and operation of drainage districts and systems.

ARTICLE XVII.

MINES AND MINING.

SECTION 1. There shall be an inspector of mines, who shall be appointed y the governor, by and with the advice and consent of the senate, for a erm of four years, and whose duties and salary shall be as prescribed by aw.

SEC. 2. The legislature shall enact laws requiring the proper ventilation of ines, the construction and maintenance of escapement shafts or slopes, and the doption and use of appliances necessary to protect the health and secure the afety of employees therein. No children under the age of fourteen years shall be mployed in the mines.

ARTICLE XVIII.

MILITIA.

SECTION 1. The militia of this State shall consist of all able-bodied male itizens between the ages of eighteen and forty-five except such as are exempt y laws of the United States or of this State. The organized militia shall be alled the "National Guard of New Mexico," of which the governor shall e the commander in chief.

SEC. 2. The legislature shall provide for the organization, discipline and quipment of the militia, which shall conform as nearly as practicable to the rganization, discipline, and equipment of the Regular Army of the United tates, and shall provide for the maintenance thereof.

ARTICLE XIX.[4]

AMENDMENT.

SECTION 1. Any amendment or amendments to this constitution may be roposed in either house of the legislature at any regular session thereof, and a majority of all members elected to each of the two houses voting separately shall vote in favor thereof, such proposed amendment or amendments hall be entered on their respective journals with the yeas and nays thereon.

The secretary of state shall cause any such amendment or amendments o be published in at least one newspaper in every county of the state, where newspaper is published once each week, for four consecutive weeks, in nglish and Spanish when newspapers in both of said languages are published such counties, the last publication to be not more than two weeks prior the election at which time said amendment or amendments shall be sub-

[4] On recommendation of Congress the whole of original Article XIX was stricken ut and the present article inserted in lieu thereof and ratified by the electors at the rst state election held on November 7, 1911. The text of the original Article is as ollows:

Section 1. Any amendment or amendments to this constitution may be proposed n either house of the legislature at any regular session thereof, and if two-thirds of ll members elected to each of the two houses voting separately, shall vote in favor hereof, such proposed amendment or amendments shall be entered on their respective ournals with the yeas and nays thereon; or any amendment or amendments to this

mitted to the electors of the state for their approval or rejection; and the said amendment or amendments shall be voted upon at the next regular election held in said state after the adjournment of the legislature proposing such amendment or amendments, or at such special election to be held not less than six months after the adjournment of said legislature, at such time as said legislature may by law provide. If the same be ratified by a majority of the electors voting thereon such amendment or amendments shall become part of this constitution. If two or more amendments are proposed, the shall be so submitted as to enable the electors to vote on each of them separately: Provided, That no amendment shall apply to or affect the provisions of sections one and three of Article VII hereof, on elective franchise and sections eight and ten of Article XII hereof on education, unless it be proposed by vote of three-fourths of the members elected to each house and be ratified by a vote of the people of this state in an election at which at least three-fourths of the electors voting in the whole state and at least two-thirds of those voting in each county in the state shall vote for such amendment.

SEC. 2. Whenever, during the first twenty-five years after the adoption of this constitution, the legislature, by a three-fourths vote of the members elected to each house, or, after the expiration of said period of twenty-five years, by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting on such question at said election in the state shall vote in favor of calling a convention the legislature shall, at the next session, provide by law for calling the same. Such conventions shall consist of at least as many delegates as there are members of the house of representatives. The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

SEC. 3. If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

SEC. 4. When the United States shall consent thereto, the legislature, by a majority vote of the members in each house, may submit to the people the question of amending any provision of Article XXI of this constitution or compact with the United States to the extent allowed by the act of congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall vote in favor thereof the said article shall be thereby amended accordingly.

SEC. 5. The provisions of section one of this article shall not be changed, altered, or abrogated in any manner except through a general convention called to revise this constitution as herein provided.

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constitution may be proposed at the first regular session of the legislature held after the expiration of two years from the time this constitution goes into effect, or at the regular session of the legislature convening each eighth year thereafter, and if a majority of all the members elected to each of the two houses voting separately at said sessions shall vote in favor thereof, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. The secretary of state shall cause any such amendment or amendments to be published at least one newspaper in every county of the State where a newspaper is published, once each week, for four consecutive weeks, the last publication to be not less than two weeks prior to the next general election, at which time the said amendment or amendments shall be submitted to the electors of the State for their approval or rejection.

If the same be ratified by a majority of the electors voting thereon and by an affirmative vote equal to at least forty per centum of all the votes cast at said election in the State and in at least one-half of the counties thereof, then, and not otherwise such amendment or amendments shall become part of this constitution. Not more than three amendments shall be submitted at one election and if two or more amendments are proposed, they shall be so submitted as to enable the electors to vote on each of them separately; provided, that no amendment shall apply to or affect the provisions of sections one and three of article seven hereof on elective franchise and sections eight and ten of article twelve hereof on education unless it be proposed by vote of three-fourths of the members elected to each house.

Sec. 2. Whenever, during the first twenty-five years after the adoption of this

ARTICLE XX.

MISCELLANEOUS.

SECTION 1. Every person elected or appointed to any office shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will support the Constitution of the United States and the constitution and laws of this State, and that he will faithfully and impartially discharge the duties of his office to the best of his ability.

SEC. 2. Every officer, unless removed, shall hold his office until his successor has duly qualified.

SEC. 3. The term of office of every State, county, or district officer, except those elected at the first election held under this constitution and those elected to fill vacancies, shall commence on the first day of January next after his election.

SEC. 4. If a vacancy occur in the office of district attorney, judge of the supreme or district court, or county commissioner, the governor shall fill such vacancy by appointment, and such appointee shall hold such office until the next general election. His successor shall be chosen at such election and shall hold his office until the expiration of the original term.

SEC. 5. If, while the senate is not in session, a vacancy occur in any office the incumbent of which was appointed by the governor by and with the advice and consent of the senate, the governor shall appoint some qualified person to fill the same until the next session of the senate, and shall then appoint by and with the advice and consent of the senate some qualified person to fill said office for the period of the unexpired term.

SEC. 6. General elections shall be held in the State on the Tuesday after the first Monday in November in each even-numbered year.

SEC. 7. The returns of all elections for officers who are chosen by the electors of more than one county shall be canvassed by the county canvassing board of each county as to the vote within their respective counties. Said board shall immediately certify the number of votes received by each candidate for such office within such county to the State canvassing board herein established which shall canvass and declare the result of the election.

SEC. 8. In the event that New Mexico is admitted into the Union as a State prior to the Tuesday next after the first Monday in November in the year nineteen hundred and twelve, and if no provision has been made by the State legislature therefor, an election shall be held in the State on the said Tuesday next after the first Monday in November, nineteen hundred and twelve, for the election of presidential electors; and such election shall be held as herein provided for the election upon the ratification of this constitution, and the returns thereof made to and canvassed and certified by the State canvassing board as herein provided in case of the election of State officers.

SEC. 9. No officer of the State who receives a salary, shall accept or receive to his own use any compensation, fees, allowance, or emoluments for

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constitution the legislature by a three-fourths vote of the members elected to each house, or after the expiration of said period of said twenty-five years by a two-thirds vote of the members elected to each house, shall deem it necessary to call a convention to revise or amend this constitution, they shall submit the question of calling such convention to the electors at the next general election, and if a majority of all the electors voting at said election in the State and in at least one-half of the counties thereof shall vote in favor of calling a convention, the legislature shall at the next session provide by law for calling the same. Such convention shall consist of at least as many delegates as there are members of the house of representatives.

The constitution adopted by such convention shall have no validity until it has been submitted to and ratified by the people.

SEC. 3. If this constitution be in any way so amended as to allow laws to be enacted by direct vote of the electors, the laws which may be so enacted shall be only such as might be enacted by the legislature under the provisions of this constitution.

SEC. 4. When the United States shall consent thereto, the legislature, by a majority vote of the members in each house, may submit to the people the question of amending any provision of article 21 of this constitution on compact with the United States to the extent allowed by the act of Congress permitting the same, and if a majority of the qualified electors who vote upon any such amendment shall vote in favor thereof, the said article shall be thereby amended accordingly.

SEC. 5. The provisions of section one of this article shall not be changed, altered, or abrogated in any manner except through a general convention called to revise this constitution as herein provided.

or on account of his office, in any form whatever, except the salary provided by law.

SEC. 10. The legislature shall enact suitable laws for the regulation of the employment of children.

SEC. 11. Women may hold the office of notary public and such other appointive offices as may be provided by law.

SEC. 12. For the first twenty years after this constitution goes into effect all laws passed by the legislature shall be published in both the English and Spanish languages and thereafter such publication shall be made as the legislature may provide.

SEC. 13. The use of wines solely for sacramental purposes under church authority at any place within the State shall never be prohibited.

SEC. 14. It shall not be lawful for the governor, any member of the State board of equalization, any member of the corporation commission, any judge of the supreme or district court, any district attorney, any county commissioner or any county assessor, during his term of office to accept, hold, or use any free pass; or purchase, receive, or accept transportation over any railroad within this State for himself or his family upon terms not open to the general public; and any person violating the provisions hereof shall, upon conviction in a court of a competent jurisdiction, be punished as provided in sections thirty-seven and forty of the article on legislative department in this constitution.

SEC. 15. The penitentiary is a reformatory and an industrial school, and all persons confined therein shall, so far as consistent with discipline and the public interest, be employed in some beneficial industry; and where a convict has a dependent family, his net earnings shall be paid to said family if necessary for their support.

SEC. 16. Every person, receiver, or corporation owning or operating a railroad within this State shall be liable in damages for injury to, or the death of, any person in its employ, resulting from the negligence, in whole or in part, of said owner or operator, or of any of the officers, agents or employees thereof, or by reason of any defect or insufficiency, due to its negligence, in whole or in part, in its cars, engines, appliances, machinery, track, road-bed works, or other equipment.

An action for negligently causing the death of an employee as above provided shall be maintained by the executor or administrator for the benefit of the employee's surviving widow or husband and children; or if none, then his parents; or if none, then the next of kin dependent upon said deceased. The amount recovered may be distributed as provided by law. Any contract or agreement made in advance of such injury with any employee waiving or limiting any right to recover such damages shall be void.

This provision shall not be construed to affect the provisions of section two of article twenty-two of this constitution, being the article upon schedule.

SEC. 17. There shall be a uniform system of textbooks for the public schools which shall not be changed more than once in six years.

SEC. 18. The leasing of convict labor by the State is hereby prohibited.

SEC. 19. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality thereof.

SEC. 20. Any person held by a committing magistrate to await the action of the grand jury on a charge of felony or other infamous crime, may in open court with the consent of the court and the district attorney to be entered upon the record, waive indictment and plead to an information in the form of an indictment filed by the district attorney, and further proceedings shall then be had upon said information with like force and effect as though it were an indictment duly returned by the grand jury.

ARTICLE XXI.

COMPACT WITH THE UNITED STATES.

In compliance with the requirements of the act of Congress entitled "An act to enable the people of New Mexico to form a constitution and State gov-

ernment and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June twentieth, nineteen hundred and ten, it is hereby provided:

SECTION 1. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship. Polygamous or plural marriages, polygamous cohabitation, and the sale, barter, or giving of intoxicating liquors to Indians, the introduction of such liquors into the Indian country, which term shall also include all lands owned or occupied by the Pueblo Indians of New Mexico on the twentieth day of June, nineteen hundred and ten, or which are occupied by them at the time of the admission of New Mexico as a State, are forever prohibited.

SEC. 2. The people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof, and to all lands lying within said boundaries owned or held by any Indian or Indian tribes, the right or title to which shall have been acquired through the United States, or any prior sovereignty; and that until the title of such Indian or Indian tribes shall have been extinguished, the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; that the lands and other property belonging to citizens of the United States residing without this State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof; that no taxes shall be imposed by this State upon lands or property therein belonging to or which may hereafter be acquired by the United States or reserved for its use; but nothing herein shall preclude this State from taxing as other lands and property are taxed any lands and other property outside of an Indian reservation, owned or held by any Indian, save and except such land as have been granted or acquired as aforesaid, or as may be granted or confirmed to any Indians or Indians under any act of Congress; but all such lands shall be exempt from taxation by this State so long and to such extent as the Congress of the United States has prescribed or may hereafter prescribe.

SEC. 3. The debts and liabilities of the Territory of New Mexico, and the debts of the counties thereof, which were valid and subsisting on the twentieth day of June, nineteen hundred and ten, are hereby assumed and shall be paid by this State; and this State shall, as to all such debts and liabilities, be subrogated to all the rights, including rights of indemnity and reimbursement, existing in favor of said Territory or of any of the several counties thereof on said date. Nothing in this article shall be construed as validating or in any manner legalizing any Territorial, county, municipal, or other bonds, warrants, obligations, or evidences of indebtedness of, or claims against, said Territory or any of the counties or municipalities thereof, which now are or may be at the time this State is admitted, invalid and illegal; nor shall the legislature of this State pass any law in any manner validating or legalizing the same.

SEC. 4. Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the State and free from sectarian control, and said schools shall always be conducted in English.

SEC. 5. This state shall never enact any law restricting or abridging the right of suffrage on account of race, color or previous condition of servitude.[5]

SEC. 6. The capital of this State shall, until changed by the electors

[5] Amendment proposed by the legislature of 1912 and ratified at the election of November 5, 1912. The text of the original section is as follows:

Section 5. This State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude; and in compliance with the requirements of the said act of Congress it is hereby provided that ability to read, write, speak, and understand the English language sufficiently well to conduct the duties of the office without the aid of an interpreter, shall be necessary qualification for all State officers and members of the State legislature.

voting at an election provided for by the legislature of this State for that purpose, be at the city of Santa Fe, but no such election shall be called or provided for prior to the thirty-first day of December, nineteen hundred and twenty-five.

SEC. 7. There are hereby reserved to the United States, with full acquiescence of the people of this State, all rights and powers for the carrying out of the provisions by the United States of the act of Congress entitled, "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, and acts amendatory thereof or supplementary thereto, to the same extent as if this State had remained a Territory.

SEC. 8. Whenever hereafter any of the lands contained within Indian reservations or allotments in this State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject for a period of twenty-five years after such allotment, sale, reservation, or other disposal, to all the laws of the United States prohibiting the introduction of liquor into the Indian country; and the term "Indian" and "Indian country" shall include the Pueblo Indians of New Mexico and the lands owned and occupied by them on the twentieth day of June, nineteen hundred and ten, or which are occupied by them at the time of the admission of New Mexico as a State.

SEC. 9. This State and its people consent to all and singularly the provisions of the said act of Congress approved June twentieth, nineteen hundred and ten, concerning the lands by said act granted or confirmed to this State, the terms and conditions upon which said grants and confirmations were made, and the means and manner of enforcing such terms and conditions, all in every respect and particular as in said act provided.

SEC. 10. This ordinance is irrevocable without the consent of the United States and the people of this State, and no change or abrogation of this ordinance, in whole or in part, shall be made by any constitutional amendment without the consent of Congress.

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise by reason of the change from a Territorial to a State form of government, it is declared and ordained:

SECTION 1. This constitution shall take effect and be in full force immediately upon the admission of New Mexico into the Union as a State.

SEC. 2. Until otherwise provided by law, the act of Congress of the United States, entitled, "An act relating to liability of common carriers, by railroads to their employees in certain cases," approved April 22, 1908, and all acts amendatory thereof, shall be and remain in force in this State to the same extent that they have been in force in the Territory of New Mexico.

SEC. 3. Until otherwise provided by law, the act of Congress entitled, "An act for the protection of the lives of miners," approved March 3, 1891, and all acts amendatory thereof, shall be and remain in force in this State to the same extent that they have been in force in the Territory of New Mexico; the words "governor of the State" are hereby substituted for the words "governor of such organized Territory," and the words "secretary of the interior" wherever the same appear in said acts; and the chief mine inspector for the Territory of New Mexico, appointed by the President of the United States, is hereby authorized to perform the duties prescribed by said acts until superseded by the "inspector of mines" appointed by the governor, as elsewhere provided by the constitution, and he shall receive the same compensation from the State as he received from the United States.

SEC. 4. All laws of the Territory of New Mexico in force at the time of its admission into the Union as a State, not inconsistent with this constitution, shall be and remain in force as the laws of the State until they expire by their own limitation or are altered or repealed; and all rights, actions, claims, contracts, liabilities, and obligations shall continue and remain unaffected by the change in the form of government.

SEC. 5. The pardoning power herein granted shall extend to all persons who have been convicted of offenses against the laws of the Territory of New Mexico.

SEC. 6. All property, real and personal, and all moneys, credits, claims, and choses in action belonging to the Territory of New Mexico, shall become the property of this State; and all debts, taxes, fines, penalties, escheats, and forfeitures which have accrued or may accrue to said Territory shall inure to this State.

SEC. 7. All recognizances, bonds, obligations, and undertakings entered into or executed to the Territory of New Mexico, or to any county, school district, municipality, officer, or official board therein, shall remain valid according to the terms thereof, and may be sued upon and recovered by the proper authority under the State law.

SEC. 8. All lawful process, writs, judgments, decrees, convictions, and sentences issued, rendered, had, or pronounced, in force at the time of the admission of the State, shall continue and remain in force to the same extent as if the change of government had not occurred, and shall be enforced and executed under the laws of the State.

SEC. 9. All courts existing, and all persons holding offices or appointments under authority of said Territory, at the time of the admission of the State, shall continue to hold and exercise their respective jurisdictions, functions, offices, and appointments until superseded by the courts, officers, or authorities provided by this constitution.

Until otherwise provided by law, the seal of the Territory shall be used as the seal of the State, and the seals of the several courts, officers, and official boards in the Territory shall be used as the seals of the corresponding courts, officers and official boards in the State; and for any new court, office, or board created by this constitution a seal may be adopted by the judge of said court, or the incumbent of said office, or by the said board.

SEC. 10. All suits, indictments, criminal actions, bonds, process, matters, and proceedings pending in any of the courts in the Territory of New Mexico at the time of the organization of the courts provided for in this constitution shall be transferred to and proceed to determination in such courts of like or corresponding jurisdiction. And all civil causes of action and criminal offenses which shall have been commenced, or indictment found, shall be subject to action, prosecution, indictment, and review in the proper courts of the State in like manner and to the same extent as if the State had been created and said courts established prior to the accrual of such causes of action and the commission of such offenses.

SEC. 11. This constitution shall be signed by the president and secretary of the constitutional convention and such delegates as desire to sign the same, and shall be deposited in the office of the secretary of the Territory, where it may be signed at any time by any delegate.

SEC. 12. All lawful debts and obligations of the several counties of the Territory of New Mexico not assumed by the State, and of the school districts, municipalities, irrigation districts, and improvement districts therein, existing at the time of its admission as a State, shall remain valid and unaffected by the change of government until paid or refunded according to law; and all counties, municipalities, and districts in said Territory shall continue with the same names, boundaries, and rights until changed in accordance with the constitution and laws of the State.

SEC. 13. This constitution shall be submitted to the people of New Mexico for ratification at an election to be held on the 21st day of January, 1911, at which election the qualified voters of New Mexico shall vote directly for or against the same, and the governor of the Territory of New Mexico shall forthwith issue his proclamation ordering said election to be held on said day.

Except as to the manner of making returns of said election and canvassing and certifying the result thereof, said election shall be held and conducted in the manner prescribed by the laws of New Mexico now in force.

SEC. 14. The ballots cast at said election in favor of the ratification this constitution shall have printed or written thereon in both English a Spanish the words "For the constitution," and those against the ratificati of the constitution shall have written or printed thereon in both English a Spanish the words "Against the constitution," and shall be counted and return accordingly.

SEC. 15. The returns of said election shall be made by the election offic direct to the secretary of the Territory of New Mexico at Santa Fe, w with the governor and the chief justice of said Territory, shall constitute canvassing board, and they, or any two of them, shall meet at said city Santa Fe on the third Monday after said election and shall canvass the sai Said canvassing board shall make and file with the secretary of the Territ of New Mexico a certificate signed by at least two of them, setting forth t number of votes cast at said election for or against the constitution, resp tively.

SEC. 16. If a majority of the legal votets cast at said election, as certif to by said canvassing board, shall be for the constitution, it shall be deem to be duly ratified by the people of New Mexico, and the secretary of t Territory of New Mexico shall forthwith cause to be submitted to the Pre dent of the United States and to Congress, for approval, a certified copy of th constitution, together with the statement of the votes cast thereon.

SEC. 17. If Congress and the President approve this constitution, or the President approves the same and Congress fails to disapprove the sa during the next regular session thereof, the governor of New Mexico sha within thirty days after receipt of notification from the President certifyi said facts, issue his proclamation for an election at which officers for a f State government including a governor, county officers, members of the St Legislature, two Representatives in Congress to be elected at large from t State, and such other officers as this constitution prescribes, shall be chos by the people; said election to take place not earlier than sixty days nor la than ninety days after the date of said proclamation by the governor ord ing the same.

SEC. 18. Said last-mentioned election shall be held, the returns ther made, canvassed, and certified to by the secretary of said Territory, in same manner, and under the same laws, including those as to qualificatio of electors, shall be applicable thereto, as hereinbefore prescribed for holdi making of the returns, canvassing, and certifying the same, of the election the ratification or rejection of this constitution.

When said election of State and county officers, members of the legis ture, Representatives in Congress, and other officers provided for in this c stitution, shall be held and the returns thereof made, canvassed, and certif as hereinbefore provided, the governor of the Territory of New Mexico sh immediately certify the result of said election, as canvassed and certified hereinbefore provided, to the President of the United States.

SEC. 19. Within thirty days after the issuance by the President of t United States of his proclamation announcing the result of said election ascertained, all officers elected at such election, except members of the leg lature, shall take the oath of office and give bond as required by this con stitution or by the laws of the Territory of New Mexico in case of like offic in the Territory, county, or district, and shall thereupon enter upon the dut of their respective offices; but the legislature may by law require such offic to give other or additional bonds as a condition of their continuance in off

SEC. 20. The governor of the State, immediately upon his qualifying a entering upon the duties of his office, shall issue his proclamation conven the legislature at the seat of government on a day to be specified therein, n less than thirty nor more than sixty days after the date of said proclamati

The members-elect of the legislature shall meet on the day specified, ta the oath required by this constitution and within ten days after organizat shall proceed to the election of two Senators of the United States for the St of New Mexico, in the manner prescribed by the constitution and laws of t

United States; and the governor and secretary of the State of New Mexico shall certify the election of the Senators and Representatives in Congress in the manner required by law.

SEC. 21. The legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

SEC. 22. The term of office of all officers elected at the election aforesaid shall commence on the date of their qualification and shall expire at the same time as if they had been elected on the Tuesday next after the first Monday of November in the year nineteen hundred and twelve.

Done in open convention at the city of Santa Fe, in the Territory of New Mexico, this twenty-first day of November, in the year of our Lord, one thousand nine hundred and ten.

[SEAL.]

(Signed) CHARLES A. SPIESS,
President of the Constitutional Convention.

(Signed) GEO. W. ARMIJO,
Secretary.

CONSTITUTION OF NEW YORK—1894.*

We, the People of the State of New York, grateful to Almighty God for our Freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

SECTION 1. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers.

SEC. 2. The trial by jury in all cases in which it has been heretofore used shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law.

SEC. 3. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State to all mankind; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 4. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 5. Excessive bail shall not be required nor excessive fines imposed, nor shall cruel and unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 6. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature), unless on presentment of indictment of a grand jury, and in any trial in any court whatever the party accused shall be allowed to appear and defend in person and with counsel as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 7. When private property shall be taken for any public use, the compensation to be made therefor, when such compensation is not made by the State, shall be ascertained by a jury, or by the Supreme Court with or without a jury, but not with a referee, or by not less than three commissioners appointed by a court of record, as shall be prescribed by law. Private roads may be opened in the manner to be prescribed by law; but in every case the necessity of the road and the amount of all damage to be sustained by the opening thereof shall be first determined by a jury of freeholders, and such amount, together with the expenses of the proceeding, shall be paid by the person to be benefited. General laws may be passed permitting the owners or occupants of agricultural lands to construct and maintain for the drainage thereof, necessary drains, ditches and dykes upon the lands of others under proper restrictions and with just compensation, but no special laws shall be enacted for such purposes.

* The constitution of New York was drafted by a convention which assembled at Albany on May 8, and adjourned on Sept. 29, 1894. The following questions were submitted to the people at the election of Nov. 6, 1894: Legislative apportionment, which was adopted by a vote of 404,335 to 350,625; canal improvement, which was adopted by a vote of 442,998 to 327,645; and the constitution as a whole, which was adopted by a vote of 410,697 to 327,402. With certain exceptions, the constitution became effective on January 1, 1895.

The Legislature may authorize cities to take more land and property an is needed for actual construction in the laying out, widening, extending relocating parks, public places, highways or streets; provided, however, that e additional land and property so authorized to be taken shall be no more an sufficient to form suitable building sites abutting on such park, public ace, highway or street. After so much of the land and property has been ppropriated for such park, public place, highway or street as is needed there- r, the remainder may be sold or leased.[1]

SEC. 8. Every citizen may freely speak, write and publish his sentiments all subjects, being responsible for the abuse of that right; and no law shall passed to restrain or abridge the liberty of speech or of the press. In criminal prosecutions or indictments for libels, the truth may be given in idence to the jury; and if it shall appear to the jury that the matter charged libelous is true, and was published with good motives and for justifiable ds, the party shall be acquitted; and the jury shall have the right to de- rmine the law and the fact.

SEC. 9. No law shall be passed abridging the right of the people peace- ly to assemble and to petition the government, or any department thereof; r shall any divorce be granted otherwise than by due judicial proceedings; r shall any lottery or the sale of lottery tickets, pool-selling, book-making, any other kind of gambling hereafter be authorized or allowed within this ate; and the Legislature shall pass appropriate laws to prevent offenses ainst any of the provisions of this section.

SEC. 10. The people of this State, in their right of sovereignty, are deemed possess the original and ultimate property in and to all lands within the risdiction of the State; and all lands the title to which shall fail, from a fect of heirs, shall revert, or escheat to the people.

SEC. 11. All feudal tenures of every description, with all their incidents, e declared to be abolished, saving, however, all rents and services certain ich at any time heretofore have been lawfully created or reserved.

SEC. 12. All lands within this State are declared to be allodial, so that, bject only to the liability to escheat, the entire and absolute property is vested the owners, according to the nature of their respective estates.

SEC. 13. No lease or grant of agricultural land for a longer period than elve years, hereafter made, in which shall be reserved any rent or service any kind, shall be valid.

SEC. 14. All fines, quarter-sales, or other like restraints upon alienation, served in any grant of land hereafter to be made shall be void.

SEC. 15. No purchase or contract for the sale of lands in this State made ce the fourteenth day of October, one thousand seven hundred and seventy- e; or which may hereafter be made of, or with the Indians, shall be valid less made under the authority and with the consent of the Legislature.

SEC. 16. Such parts of the common law, and of the acts of the Legisla- e of the colony of New York, as together did form the law of the said ony, on the nineteenth day of April, one thousand seven hundred and seventy- e, and the resolutions of the Congress of the said colony, and of the con- ntion of the State of New York, in force on the twentieth day of April, one ousand seven hundred and seventy-seven, which have not since expired, or en repealed or altered; and such acts of the Legislature of this State as now in force, shall be and continue the law of this State, subject to such erations as the Legislature shall make concerning the same. But all such rts of the common law, and such of the said acts, or parts thereof, as repugnant to this Constitution, are hereby abrogated.

SEC. 17. All grants of land within this State, made by the king of Great itain, or persons acting under his authority, after the fourteenth day of tober, one thousand seven hundred and seventy-five, shall be null and void; nothing contained in this Constitution shall affect any grants of land

[1] Amendment proposed and adopted by the legislature of 1912, re-adopted by the islature of 1913, and ratified on Nov. 4, 1913. In the first paragraph, the words "or the supreme court with or without a jury, but not with a referee" are new; the ole of the second paragraph is new.

within this State, made by the authority of the said king or his predecesso
or shall annul any charters to bodies politic and corporate, by him or th
made before that day; or shall affect any such grants or charters since m
by this State, or by persons acting under its authority; or shall impair t
obligation of any debts, contracted by the State or individuals, or bodies c
porate, or any other rights of property, or any suits, actions, rights of acti
or other proceedings in courts of justice.

SEC. 18. The right of action now existing to recover damages for injur
resulting in death, shall never be abrogated; and the amount recoverable sh
not be subject to any statutory limitation.

SEC. 19. Nothing contained in this Constitution shall be construed to li
the power of the Legislature to enact laws for the protection of the li
health, or safety of employees; or for the payment, either by employers, or
employers and employees or otherwise, either directly or through a State
other system of insurance or otherwise, of compensation for injuries to e
ployees or for death of employees resulting from such injuries without reg
to fault as a cause thereof, except where the injury is occasioned by the w
ful intention of the injured employee to bring about the injury or death
himself or of another, or where the injury results solely from the intoxi
tion of the injured employee while on duty; or for the adjustment, determi
tion and settlement, with or without trial by jury, of issues which may ar
under such legislation; or to provide that the right of such compensati
and the remedy therefor shall be exclusive of all other rights and remed
for injuries to employees or for death resulting from such injuries; or
provide that the amount of such compensation for death shall not exceed
fixed or determinable sum; provided that all moneys paid by an employer
his employees or their legal representatives, by reason of the enactment of
of the laws herein authorized, shall be held to be a proper charge in
cost of operating the business of the employer.[2]

ARTICLE II.

SECTION 1. Every male citizen of the age of twenty-one years, who sh
have been a citizen for ninety days, and an inhabitant of this State one y
next preceding an election, and for the last four months a resident of
county and for the last thirty days a resident of the election district in wh
he may offer his vote, shall be entitled to vote at such election in the elect
district of which he shall at the time be a resident, and not elsewhere, for
officers that now are or hereafter may be elective by the people; and u
all questions which may be submitted to the vote of the people, provided t
in time of war no elector in the actual military service of the State, or
the United States, in the army or navy thereof, shall be deprived of his v
by reason of his absence from such election district; and the Legislature sh
have power to provide the manner in which and the time and place at wh
such absent electors may vote, and for the return and canvass of their vo
in the election districts in which they respectively reside.

SEC. 2. No person who shall receive, accept, or offer to receive, or p
offer or promise to pay, contribute, offer or promise to contribute to anot
to be paid or used, any money or other valuable thing as a compensation
reward for the giving or withholding a vote at an election, or who shall m
any promise to influence the giving or withholding any such vote, or who sh
make or become directly or indirectly interested in any bet or wager depe
ing upon the result of any election, shall vote at such election; and u
challenge for such cause, the person so challenged, before the officers authori
for that purpose shall receive his vote, shall swear or affirm before s
officers that he has not received or offered, does not expect to receive, has
paid, offered or promised to pay, contribute, offered or promised to contri
to another, to be paid or used any money or other valuable thing as a c
pensation or reward for the giving or withholding a vote at such election,

[2] Section 19 is a new section; it was proposed and adopted by the legislature
1912, re-adopted by the legislature of 1913, and ratified at the election of Nov. 4, 1

s not made any promise to influence the giving or withholding of any such
te, nor made or become directly or indirectly interested in any bet or wager
pending upon the result of such election. The Legislature shall enact laws
cluding from the right of suffrage all persons convicted of bribery or of
y infamous crime.

SEC. 3. For the purpose of voting no person shall be deemed to have gained
lost a residence, by reason of his presence or absence, while employed in
service of the United States; nor while engaged in the navigation of the
ters of this State, or of the United States, or of the high seas; nor while
student of any seminary of learning; nor while kept at any almshouse, or
her asylum, or institution wholly or partly supported at public expense or
charity; nor while confined in any public prison.

SEC. 4. Laws shall be made for ascertaining, by proper proofs, the citi-
s who shall be entitled to the right of suffrage hereby established, and for
registration of voters; which registration shall be completed at least ten
ys before each election. Such registration shall not be required for town
l village elections except by express provision of law. In cities and villages
ving five thousand inhabitants or more, according to the last preceding State
meration of inhabitants, voters shall be registered upon personal application
y; but voters not residing in such cities or villages shall not be required
apply in person for registration at the first meeting of the officers having
rge of the registry of voters.

SEC. 5. All elections by the citizens, except for such town officers as may
law be directed to be otherwise chosen, shall be by ballot, or by such other
thod as may be prescribed by law, provided that secrecy in voting be pre-
ved.

SEC. 6. All laws creating, regulating or affecting boards of officers charged
h the duty of registering voters, or of distributing ballots at the polls to
ers, or of receiving, recording or counting votes at elections, shall secure
al representation of the two political parties which, at the general election
f preceding that for which such boards or officers are to serve, cast the
hest and the next highest number of votes. All such boards and officers
ll be appointed or elected in such manner, and upon the nomination of such
resentatives of said parties respectively, as the Legislature may direct.
sting laws on this subject shall continue until the Legislature shall other-
e provide. This section shall not apply to town meetings, or to village
tions.

ARTICLE III.

SECTION 1. The legislative power of this State shall be vested in the Senate
Assembly.

SEC. 2. The Senate shall consist of fifty members, except as hereinafter
vided. The senators elected in the year one thousand eight hundred and
ty-five shall hold their offices for three years, and their successors shall
chosen for two years. The Assembly shall consist of one hundred and
members, who shall be chosen for one year.

SEC. 3. The State shall be divided into fifty districts to be called senate
icts, each of whom shall choose one senator. The districts shall be num-
ed from one to fifty, inclusive.

District number one (1) shall consist of the counties of Suffolk and Rich-
nd.

District number two (2) shall consist of the county of Queens.

District number three (3) shall consist of that part of the county of Kings
prising the first, second, third, fourth, fifth and sixth wards of the city
Brooklyn.

District number four (4) shall consist of that part of the county of Kings
prising the seventh, thirteenth, nineteenth and twenty-first wards of the
of Brooklyn.

District number five (5) shall consist of that part of the county of Kings
prising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn,
the ward of the city of Brooklyn which was formerly the town of Gravesend,

District number six (6) shall consist of that part of the county of Ki comprising the ninth, eleventh, twentieth and twenty-second wards of city of Brooklyn.

District number seven (7) shall consist of that part of the county Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards the city of Brooklyn.

District number eight (8) shall consist of that part of the county of Ki comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wa of the city of Brooklyn, and the town of Flatlands.

District number nine (9) shall consist of that part of the county of Ki comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wa of the city of Brooklyn.

District number ten (10) shall consist of that part of the county of N York within and bounded by a line beginning at Canal street and the Hud river, and running thence along Canal street, Hudson street, Dominick str Varick street, Broome street, Sullivan street, Spring street, Broadway, Ca street, the Bowery, Division street, Grand street, and Jackson street, to East river and thence around the southern end of Manhattan island, to place of beginning, and also Governor's, Bedloe's and Ellis islands.

District number eleven (11) shall consist of that part of the county New York lying north of district number ten, and within and bounded by line beginning at the junction of Broadway and Canal street, and runn thence along Broadway, Fourth street, the Bowery and Third avenue, St. Mar place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington str Norfolk street, Division street, Bowery and Canal street to the place of ginning.

District number twelve (12) shall consist of that part of the county New York lying north of districts numbers ten and eleven, and within bounded by a line beginning at Jackson street and the East river and runn thence through Jackson street, Grand street, Division street, Norfolk str Rivington street, Clinton street, Avenue B, Seventh street, Avenue A, St. Mar place, Third avenue, East Fourteenth street to the East river, and along East river, to the place of beginning.

District number thirteen (13) shall consist of that part of the county New York lying north of district number ten, and within and bounded by line beginning at the Hudson river at the foot of Canal street, and runn thence along Canal street, Hudson street, Dominick street, Varick str Broome street, Sullivan street, Spring street, Broadway, Fourth street, Bowery and Third avenue, Fourteenth street, Sixth avenue, West Fiftee street, Seventh avenue, West Nineteenth street, Eighth avenue, West Twenti street, and the Hudson river, to the place of beginning.

District number fourteen (14) shall consist of that part of the county New York lying north of districts numbers twelve and thirteen, and within bounded by a line beginning at East Fourteenth street and the East river, running thence along East Fourteenth street, Irving place, East Ninetee street, Third avenue, East Twenty-third street, Lexington avenue, East Fi third street, Third avenue, East Fifty-second street, and the East river, to place of beginning.

District number fifteen (15) shall consist of that part of the county New York lying north of district number thirteen, and within and boun by a line beginning at the junction of West Fourteenth street and Sixth ave and running thence along Sixth avenue, West Fifteenth street, Seventh ave West Fortieth street, Eighth avenue, and the transverse road across Cen park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, L ington avenue, East Twenty-third street, Third avenue, East Nineteenth st Irving place and Fourteenth street, to the place of beginning.

District number sixteen (16) shall consist of that part of the county New York lying north of district number thirteen, and within and boun by a line beginning at Seventh avenue and West Nineteenth street, and r ning thence along West Nineteenth street, Eighth avenue, West Twent street, the Hudson river, West Forty-sixth street, Tenth avenue, West Fo

hird street, Eighth avenue, West Fortieth street and Seventh avenue, to the lace of beginning.

District number seventeen (17) shall consist of that part of the county f New York lying north of district number sixteen, and within and bounded y a line beginning at the junction of Eighth avenue and West Forty-third street, and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street, the Hudson river, West Eighty-ninth street, Tenth or Amsterdam avenue, West Eighty-sixth street, Ninth or Columbus avenue, West Eighty-first street and Eighth avenue, to the place of beginning.

District number eighteen (18) shall consist of that part of the county of New York lying north of district number fourteen, and within and bounded y a line beginning at the junction of East Fifty-second street and the East iver, and running thence along East Fifty-second street, Third avenue, East Fifty-third street, Lexington avenue, East Eighty-fourth street, Second avenue, East Eighty-third street and the East river, to the place of beginning; and lso Blackwell's island.

District number nineteen (19) shall consist of that part of the county of New York lying north of district number seventeen, and within and bounded y a line beginning at West Eighty-ninth street and the Hudson river, and unning thence along the Hudson river and Spuyten Duyvil creek around he northern end of Manhattan island; thence southerly along the Harlem iver to the north end of Fifth avenue; thence along Fifth avenue, East)ne Hundred and Twenty-ninth street, Fourth or Park avenue, East One Hunred and Tenth street, Fifth avenue, the transverse road across Central park t Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth or 'olumbus avenue, West Eighty-sixth street, Tenth or Amsterdam avenue and Vest Eighty-ninth street, to the place of beginning.

District number twenty (20) shall consist of that part of the county of ew York lying north of districts numbers eighteen and fifteen and within and ounded by a line beginning at East Eighty-third street and the East river, unning thence through East Eighty-third street, Second avenue, East Eighty-ourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East)ne Hundred and Tenth street, Fourth or Park avenue, East One Hundred and ineteenth street to the Harlem river, and along the Harlem and East rivers to ie place of beginning; and also Randall's island and Ward's island.

All of the above districts in the county of New York bounded upon or along ie boundary waters of the county, shall be deemed to extend to the county line.

District number twenty-one (21) shall consist of that part of the county f New York lying north of districts numbers nineteen and twenty, within id bounded by a line beginning at East One Hundred and Nineteenth street id the Harlem river, and running thence along East One Hundred and Nineenth street, Fourth or Park avenue, One Hundred and Twenty-ninth street, ifth avenue and the Harlem river, to the place of beginning; and all that irt of the county of New York not hereinbefore described.

District number twenty-two (22) shall consist of the county of Westchester.

District number twenty-three (23) shall consist of the counties of Orange id Rockland.

District number twenty-four (24) shall consist of the counties of Dutchess, olumbia and Putnam.

District number twenty-five (25) shall consist of the counties of Ulster id Greene.

District number twenty-six (26) shall consist of the counties of Delaare, Chenango and Sullivan.

District number twenty-seven (27) shall consist of the counties of Montmery, Fulton, Hamilton and Schoharie.

District number twenty-eight (28) shall consist of the counties of Sarata, Schenectady and Washington.

District number twenty-nine (29) shall consist of the county of Albany.

District number thirty (30) shall consist of the county of Rensselaer.

District number thirty-one (31) shall consist of the counties of Clinton, ssex and Warren.

District number thirty-two (32) shall consist of the counties of St. Lawrence and Franklin.

District number thirty-three (33) shall consist of the counties of Otsego and Herkimer.

District number thirty-four (34) shall consist of the county of Oneida.

District number thirty-five (35) shall consist of the counties of Jefferson and Lewis.

District number thirty-six (36) shall consist of the county of Onondaga.

District number thirty-seven (37) shall consist of the counties of Oswego and Madison.

District number thirty-eight (38) shall consist of the counties of Broome, Cortland and Tioga.

District number thirty-nine (39) shall consist of the counties of Cayuga and Seneca.

District number forty (40) shall consist of the counties of Chemung, Tompkins and Schuyler.

District number forty-one (41) shall consist of the counties of Steuben and Yates.

District number forty-two (42) shall consist of the counties of Ontario and Wayne.

District number forty-three (43) shall consist of that part of the county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Pittsfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Rochester, as at present constituted.

District number forty-four (44) shall consist of that part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

District number forty-five (45) shall consist of the counties of Niagara, Genesee and Orleans.

District number forty-six (46) shall consist of the counties of Allegany, Livingston and Wyoming.

District number forty-seven (47) shall consist of that part of the county of Erie comprising the first, second, third, sixth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

District number forty-eight (48) shall consist of that part of the county of Erie comprising the fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and sixteenth wards of the city of Buffalo as at present constituted.

District number forty-nine (49) shall consist of that part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and all the remainder of the said county of Erie not hereinbefore described.

District number fifty (50) shall consist of the counties of Chautauqua and Cattaraugus.[3]

SEC. 4. An enumeration of the inhabitants of the State shall be taken under the direction of the Secretary of State, during the months of May and June, in the year one thousand nine hundred and five, and in the same month every tenth year thereafter; and the said districts shall be so altered by the Legislature at the first regular session after the return of every enumeration that each senate district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact form as practicable, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory, and no county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. No town, and no block in a city inclosed

[3] Senators have been re-apportioned by law since the adoption of this constitution.

treets or public ways, shall be divided in the formation of senate districts; or shall any district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein djoining such district. Counties, towns or blocks which, from their location, nay be included in either of two districts, shall be so placed as to make aid districts most nearly equal in number of inhabitants, excluding aliens.

No county shall have four or more senators unless it shall have a full atio for each senator. No county shall have more than one-third of all the enators; and no two counties or the territory thereof as now organized, which re adjoining counties, or which are separated only by public waters, shall ave more than one-half of all the senators.

The ratio for apportioning senators shall always be obtained by dividing he number of inhabitants, excluding aliens, by fifty, and the senate shall lways be composed of fifty members, except that if any county having three r more senators at the time of any apportionment shall be entitled on such atio to an additional senator or senators, such additional senator or senators hall be given to such county in addition to the fifty senators, and the whole umber of senators shall be increased to that extent.

SEC. 5. The members of the Assembly shall be chosen by single districts nd shall be apportioned by the Legislature at the first regular session after he return of every enumeration among the several counties of the State, as early as may be according to the number of their respective inhabitants, excluding aliens. Every county heretofore established and separately organized, except the county of Hamilton, shall always be entitled to one member of ssembly, and no county shall hereafter be erected unless its population shall ntitle it to a member. The county of Hamilton shall elect with the county f Fulton, until the population of the county of Hamilton shall, according the ratio, entitle it to a member. But the Legislature may abolish the aid county of Hamilton and annex the territory thereof to some other county r counties.

The quotient obtained by dividing the whole number of inhabitants of the tate, excluding aliens, by the number of members of Assembly, shall be the atio for apportionment which shall be made as follows: One member of Assemly shall be apportioned to every county, including Fulton and Hamilton as ne county, containing less than the ratio and one-half over. Two members hall be apportioned to every other county. The remaining members of ssembly shall be apportioned to the counties having more than two ratios cording to the number of inhabitants, excluding aliens. Members apporoned on remainders shall be apportioned to the counties having the highest emainders in the order thereof respectively. No county shall have more members of Assembly than a county having a greater number of inhabitants, exuding aliens.

Until after the next enumeration, members of the Assembly shall be apportioned to the several counties as follows: Albany county, four members; llegany county, one member; Broome county, two members; Cattaraugus unty, two members; Cayuga county, two members; Chautauqua county, two embers; Chemung county, one member; Chenango county, one member; Clinon county, one member; Columbia county, one member; Cortland county, one ember; Delaware county, one member; Dutchess county, two members; Erie unty, eight members; Essex county, one member; Franklin county, one member; Fulton and Hamilton counties, one member; Genesee county, one member; reene county, one member; Herkimer county, one member; Jefferson county, o members; Kings county, twenty-one members; Lewis county, one member; ivingston county, one member; Madison county, one member; Monroe county, ur members; Montgomery county, one member; New York county, thirtyve members; Niagara county, two members; Oneida county, three members; ondaga county, four members; Ontario county, one member; Orange county, o members; Orleans county, one member; Oswego county, two members; tsego county, one member; Putnam county, one member; Queens county, ree members; Rensselaer county, three members; Richmond county, one mem-r; Rockland county, one member; St. Lawrence county, two members; Sara-

toga county, one member; Schenectady county, one member; Schoharie coun one member; Schuyler county, one member; Seneca county, one member; St ben county, two members; Suffolk county, two members; Sullivan coun one member; Tioga county, one member; Tompkins county, one memb Ulster county, two members; Warren county, one member; Washington coun one member; Wayne county, one member; Westchester county, three membe Wyoming county, one member, and Yates county, one member.

In any county entitled to more than one member, the board of sup visors, and in any city embracing an entire county and having no board supervisors, the common council, or if there be none, the body exercis the powers of a common council, shall assemble on the second Tuesday June, one thousand eight hundred and ninety-five, and at such times as Legislature making an apportionment shall prescribe, and divide such count into assembly districts as nearly equal in number of inhabitants, exclud aliens, as may be, of convenient and contiguous territory in as compact fo as practicable, each of which shall be wholly within a senate district form under the same apportionment, equal to the number of members of Assem to which such county shall be entitled, and shall cause to be filed in office of the Secretary of State and of the clerk of such county, a descript of such districts, specifying the number of each district and of the inh tants thereof, excluding aliens, according to the last preceding enumerati and such apportionment and districts shall remain unaltered until anot enumeration shall be made, as herein provided; but said division of the of Brooklyn and the county of Kings to be made on the second Tuesday June, one thousand eight hundred and ninety-five, shall be made by the comm council of the said city and the board of supervisors of said county, assemb in joint session. In counties having more than one senate district, the sa number of assembly districts shall be put in each senate district, unless assembly districts can not be evenly divided among the senate districts of county, in which case one more assembly district shall be put in the sen district in such county having the largest, or one less assembly district sh be put in the senate district in such county having the smallest number inhabitants, excluding aliens, as the case may require. No town, and no bl in a city inclosed by streets or public ways, shall be divided in the for tion of assembly districts, nor shall any districts contain a greater excess population over an adjoining district in the same senate district, than population of a town or block therein adjoining such assembly district. To or blocks which, from their location may be included in either of two tricts, shall be so placed as to make said districts most nearly equal in n ber of inhabitants, excluding aliens; but in the division of cities under first apportionment, regard shall be had to the number of inhabitants, exclud aliens, of the election districts according to the state enumeration of thousand eight hundred and ninety-two, so far as may be, instead of blo Nothing in this section shall prevent the division, at any time, of coun and towns, and the erection of new towns by the Legislature.

An apportionment by the Legislature, or other body, shall be subject review by the Supreme Court, at the suit of any citizen, under such reasona regulations as the Legislature may prescribe; and any court before wh a cause may be pending involving an apportionment, shall give precede thereto over all other causes and proceedings, and if said court be not session it shall convene promptly for the disposition of the same.[4]

SEC. 6. Each member of the Legislature shall receive for his services annual salary of one thousand five hundred dollars. The members of ei house shall also receive the sum of one dollar for every ten miles they s travel in going to and returning from their place of meeting, once in e session on the most usual route. Senators, when the Senate alone is vened in extraordinary session, or when serving as members of the Court the Trial of Impeachments, and such members of the Assembly, not exceed

[4] Since the adoption of this constitution, representatives have been apportio by law.

ne in number, as shall be appointed managers of an impeachment, shall re-
ve an additional allowance of ten dollars a day.

SEC. 7. No member of the Legislature shall receive any civil appointment
thin this State, or the Senate of the United States, from the Governor, the
vernor and Senate, or from the Legislature, or from any city government,
ring the time for which he shall have been elected; and all such appoint-
nts and all votes given for any such member for any such office or appoint-
nt shall be void.

SEC. 8. No person shall be eligible to the Legislature, who at the time
his election, is, or within one hundred days previous thereto has been, a
mber of Congress, a civil or military officer under the United States, or an
cer under any city government. And if any person shall, after his elec-
n as a member of the Legislature, be elected to Congress, or appointed
any office, civil or military, under the government of the United States,
under any city government, his acceptance thereof shall vacate his seat.

SEC. 9. The elections of senators and members of assembly, pursuant to
provisions of this Constitution, shall be held on the Tuesday succeeding
first Monday of November, unless otherwise directed by the Legislature.

SEC. 10. A majority of each house shall constitute a quorum to do busi-
ss. Each house shall determine the rules of its own proceedings, and be
judge of the elections, returns and qualifications of its own members;
ll choose its own officers; and the Senate shall choose a temporary presi-
t to preside in case of the absence or impeachment of the Lieutenant-
vernor, or when he shall refuse to act as president, or shall act as Governor.

SEC. 11. Each house shall keep a journal of its proceedings, and publish
same, except such parts as may require secrecy. The doors of each house
ll be kept open, except when the public welfare shall require secrecy.
ither house shall, without the consent of the other, adjourn for more than
days.

SEC. 12. For any speech or debate in either house of the Legislature,
members shall not be questioned in any other place.

SEC. 13. Any bill may originate in either house of the Legislature, and
bills passed by one house may be amended by the other.

SEC. 14. The enacting clause of all bills shall be "The People of the State
New York, represented in Senate and Assembly, do enact as follows," and
law shall be enacted except by bill.

SEC. 15. No bill shall be passed or become a law unless it shall have been
nted and upon the desks of the members, in its final form, at least three
ndar legislative days prior to its final passage, unless the Governor, or
acting Governor, shall have certified to the necessity of its immediate
sage, under his hand and the seal of the State; nor shall any bill be
sed or become a law, except by the assent of the majority of the members
ted to each branch of the Legislature; and upon the last reading of a
, no amendment thereof shall be allowed, and the question upon its final
sage shall be taken immediately thereafter, and the yeas and nays entered
the journal.

SEC. 16. No private or local bill, which may be passed by the Legisla-
, shall embrace more than one subject, and that shall be expressed in
title.

SEC. 17. No act shall be passed which shall provide that any existing
, or any part thereof, shall be made or deemed a part of said act, or which
ll enact that any existing law, or part thereof, shall be applicable, except
inserting it in such act.

SEC. 18. The Legislature shall not pass a private or local bill in any of
following cases:

Changing the names of persons.

Laying out, opening, altering, working or discontinuing roads, highways
lleys, or for draining swamps or other low lands.

Locating or changing county seats.

Providing for changes of venue in civil or criminal cases.

Incorporating villages.

Providing for election of members of boards of supervisors.

Selecting, drawing, summoning or impaneling grand or petit jurors.

Regulating the rate of interest on money.

The opening and conducting of elections or designating places of vo

Creating, increasing or decreasing fees, percentages or allowances of pu
officers, during the term for which said officers are elected or appointed.

Granting to any corporation, association or individual the right to
down railroad tracks.

Granting to any private corporation, association or individual any
clusive privilege, immunity or franchise whatever.

Granting to any person, association, firm or corporation, an exemp
from taxation on real or personal property.

Providing for building bridges, and chartering companies for such purp
except on the Hudson river below Waterford, and on the East river, or
the waters forming a part of the boundaries of the State.

The Legislature shall pass general laws providing for the cases enumer
in this section, and for all other cases which, in its judgment, may be prov
for by general laws. But no law shall authorize the construction or op
tion of a street railroad except upon the condition that the consent of
owners of one-half in value of the property bounded on, and the consent
of the local authorities having the control of, that portion of a street or
way upon which it is proposed to construct or operate such railroad be
obtained, or in case the consent of such property owners can not be obta
the Appellate Division of the Supreme Court, in the department in whi
is proposed to be constructed, may, upon application, appoint three con
sioners who shall determine, after a hearing of all parties interested, wh
such railroad ought to be constructed or operated, and their determina
confirmed by the court, may be taken in lieu of the consent of the pro
owners.[5]

Sec. 19. The Legislature shall neither audit nor allow any private
or account against the State, but may appropriate money to pay such cl
as shall have been audited and allowed according to law.

Sec. 20. The assent of two-thirds of the members elected to each br
of the Legislature shall be requisite to every bill appropriating the p
moneys or property for local or private purposes.

Sec. 21. No money shall ever be paid out of the treasury of this
or any of its funds, or any of the funds under its management, excep
pursuance of an appropriation by law; nor unless such payment be
within two years next after the passage of such appropriation act; and
such law making a new appropriation or continuing or reviving an appro
tion, shall distinctly specify the sum appropriated, and the object to w
it is to be applied; and it shall not be sufficient for such law to refe
any other law to fix such sum.

Sec. 22. No provision or enactment shall be embraced in the annua
propriation or supply bill, unless it relates specifically to some particular a
priation in the bill; and any such provision or enactment shall be limit
its operation to such appropriation.

Sec. 23. Sections seventeen and eighteen of this article shall not app
any bill, or the amendments to any bill, which shall be reported to the
lature by commissioners who have been appointed pursuant to law to r
the statutes.

Sec. 24. Every law which imposes, continues or revives a tax shall
tinctly state the tax and the object to which it is to be applied, a
shall not be sufficient to refer to any other law to fix such tax or obje

Sec. 25. On the final passage, in either house of the Legislature, o
act which imposes, continues or revives a tax, or creates a debt or charg
makes, continues or revives any appropriation of public or trust money or

[5] Amendment proposed and adopted by the legislature of 1899, re-adopted b
legislature of 1901, and ratified at the election of Nov. 5, 1901. The amendment
sists of the paragraph reading: "Granting to any person, association, firm or
poration, an exemption from taxation on real or personal property."

, or releases, discharges or commutes any claim or demand of the State, the stion shall be taken by yeas and nays, which shall be duly entered upon the rnals, and three-fifths of all the members elected to either house shall, in all h cases, be necessary to constitute a quorum therein.

SEC. 26. There shall be in each county, except in a county wholly included n city, a board of supervisors, to be composed of such members and elected such manner and for such period as is or may be provided by law. In a which includes an entire county, or two or more entire counties, the ers and duties of a board of supervisors may be devolved upon the mu- pal assembly, common council, board of aldermen or other legislative body the city.[6]

SEC. 27. The Legislature shall, by general laws, confer upon the boards supervisors of the several counties of the State such further powers of l legislation and administration as the Legislature may, from time to e, deem expedient, and in counties which now have, or may hereafter e, county auditors or other fiscal officers, authorized to audit bills, accounts, rges, claims or demands against the county, the Legislature may confer h powers upon said auditors, or fiscal officers, as the Legislature may, n time to time, deem expedient.[7]

SEC. 28. The Legislature shall not, nor shall the common council of any , nor any board of supervisors, grant any extra compensation to any public er, servant, agent or contractor.

SEC. 29. The Legislature shall, by law, provide for the occupation and ployment of prisoners sentenced to the several State prisons, penitentiaries, s and reformatories in the State; and on and after the first day of Janu- , in the year one thousand eight hundred and ninety-seven, no person in such prison, penitentiary, jail or reformatory, shall be required or allowed work, while under sentence thereto, at any trade, industry or occupation, ein or whereby his work, or the product or profit of his work, shall be ned out, contracted, given or sold to any person, firm, association or cor- ation. This section shall not be construed to prevent the Legislature from viding that convicts may work for, and that the products of their labor be disposed of to, the State or any political division thereof, or for or ny public institution owned or managed and controlled by the State, or political division thereof.

ARTICLE IV.

SECTION 1. The executive power shall be vested in a Governor, who shall his office for two years; a Lieutenant-Governor shall be chosen at the same e, and for the same term. The Governor and Lieutenant-Governor elected t preceding the time when this section shall take effect, shall hold office il and including the thirty-first day of December, one thousand eight hundred ninety-six, and their successors shall be chosen at the general election in year.

SEC. 2. No person shall be eligible to the office of Governor or Lieutenant- ernor, except a citizen of the United States, of the age of not less than thirty rs, and who shall have been five years next preceding his election a resi- t of this State.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the es and places of choosing members of the Assembly. The persons respec- ly having the highest number of votes for Governor and Lieutenant-Governor ll be elected; but in case two or more shall have an equal and the highest ber of votes for Governor, or for Lieutenant-Governor, the two houses of the

[6] Amendment proposed by the legislature of 1897, re-adopted by the legislature of 9 and ratified at the election of Nov. 7, 1899. The text of the original section is as ows: Sec. 26. There shall be in the several counties, except in cities whose bound- s are the same as those of the county, a board of supervisors, to be composed of members, and elected in such manner, and for such period, as is or may be pro- d by law. In any such city the duties and powers of a board of supervisors may devolved upon the common council or board of aldermen thereof.

[7] Amendment proposed and adopted by the legislature of 1907, re-adopted by the slature of 1909, and ratified at the election of Nov. 2, 1909.

Legislature at its next annual session shall forthwith, by joint ballot, ch one of the said persons so having an equal and the highest number of v for Governor or Lieutenant-Governor.

SEC. 4. The Governor shall be Commander-in-Chief of the military naval forces of the State. He shall have power to convene the Legislature the Senate only, on extraordinary occasions. At extraordinary sessions subject shall be acted upon, except such as the Governor may recommend consideration. He shall communicate by message to the Legislature at ev session the condition of the State, and recommend such matters to it as shall judge expedient. He shall transact all necessary business with the offi of government, civil and military. He shall expedite all such measures may be resolved upon by the Legislature, and shall take care that the laws faithfully executed. He shall receive for his services an annual salary of thousand dollars, and there shall be provided for his use a suitable and furnis executive residence.

SEC. 5. The Governor shall have the power to grant reprieves, comm tions and pardons after conviction, for all offenses except treason and case impeachment, upon such conditions and with such restrictions and limitati as he may think proper, subject to such regulations as may be provided by relative to the manner of applying for pardons. Upon conviction for trea he shall have power to suspend the execution of the sentence, until the shall be reported to the Legislature at its next meeting, when the Legisla shall either pardon, or commute the sentence, direct the execution of the tence, or grant a further reprieve. He shall annually communicate to Legislature each case of reprieve, commutation or pardon granted, stating name of the convict, the crime of which he was convicted, the sentence and date, and the date of the commutation, pardon or reprieve.

SEC. 6. In case of the impeachment of the Governor, or his removal f office, death, inability to discharge the powers and duties of the said o resignation, or absence from the State, the powers and duties of the office s devolve upon the Lieutenant-Governor for the residue of the term, or until disability shall cease. But when the Governor shall, with the consent of Legislature, be out of the State, in time of war, at the head of a military f thereof, he shall continue Commander-in-Chief of all the military force of State.

SEC. 7. The Lieutenant-Governor shall possess the same qualification eligibility for office as the Governor. He shall be President of the Senate, shall have only a casting vote therein. If during a vacancy of the office Governor, the Lieutenant-Governor shall be impeached, displaced, resign, di become incapable of performing the duties of his office, or be absent from State, the President of the Senate shall act as Governor until the vacancy filled or the disability shall cease; and if the President of the Senate for of the above causes shall become incapable of performing the duties pertai to the office of Governor, the Speaker of the Assembly shall act as Gove until the vacancy be filled or the disability shall cease.

SEC. 8. The Lieutenant-Governor shall receive for his services an an salary of five thousand dollars, and shall not receive or be entitled to other compensation, fee or perquisite, for any duty or service he may be requ to perform by the Constitution or by law.

SEC. 9. Every bill which shall have passed the Senate and Assembly s before it becomes a law, be presented to the Governor; if he approve, he s sign it; but if not, he shall return it with his objections to the house in whic shall have originated, which shall enter the objections at large on the jou and proceed to reconsider it. If after such reconsideration, two-thirds of members elected to that house shall agree to pass the bill, it shall be together with the objections, to the other house, by which it shall likewis reconsidered; and if approved by two-thirds of the members elected to house, it shall become a law notwithstanding the objections of the Gover In all such cases the votes in both houses shall be determined by yeas and n and the names of the members voting shall be entered on the journal of house respectively. If any bill shall not be returned by the Governor wi

days (Sundays excepted) after it shall have been presented to him, the me shall be a law in like manner as if he had signed it, unless the Legislature all, by their adjournment, prevent its return, in which case it shall not become law without the approval of the Governor. No bill shall become a law after final adjournment of the Legislature, unless approved by the Governor thin thirty days after such adjournment. If any bill presented to the Gov- nor contain several items of appropriation of money, he may object to one more of such items while approving of the other portion of the bill. In such se he shall append to the bill, at the time of signing it, a statement of the ms to which he objects; and the appropriation so objected to shall not take ect. If the Legislature be in session, he shall transmit to the house in which e bill originated a copy of such statement, and the items objected to shall separately reconsidered. If on reconsideration one or more of such items approved by two-thirds of the members elected to each house, the same all be part of the law, notwithstanding the objections of the Governor. All e provisions of this section, in relation to bills not approved by the Governor, all apply in cases in which he shall withhold his approval from any item or ms contained in a bill appropriating money.

ARTICLE V.

SECTION 1. The Secretary of State, Comptroller, Treasurer, Attorney- neral and State Engineer and Surveyor shall be chosen at a general elec- n, at the times and places of electing the Governor and Lieutenant-Governor, d shall hold their offices for two years, except as provided in section two this article. Each of the officers in this article named, excepting the Speaker the Assembly, shall, at stated times during his continuance in office, receive r his services a compensation which shall not be increased or diminished ring the term for which he shall have been elected; nor shall he receive to s use any fees or perquisites of office or other compensation. No person shall elected to the office of State Engineer and Surveyor who is not a practical il engineer.

SEC. 2. The first election of the Secretary of State, Comptroller, Treasurer, torney-General and State Engineer and Surveyor, pursuant to this article, all be held in the year one thousand eight hundred and ninety-five, and their rms of office shall begin on the first day of January following, and shall be r three years. At the general election in the year one thousand eight hun- ed and ninety-eight, and every two years thereafter, their successors shall be osen for the term of two years.

SEC. 3. A superintendent of public works shall be appointed by the Gov- nor, by and with the advice and consent of the Senate, and hold his office til the end of the term of the Governor by whom he was nominated, and til his successor is appointed and qualified. He shall receive a compensation be fixed by law. He shall be required by law to give security for the faithful ecution of his office before entering upon the duties thereof. He shall be arged with the execution of all laws relating to the repair and navigation the canals, and also of those relating to the construction and improvement of e canals, except so far as the execution of the laws relating to such con- ruction or improvement shall be confided to the State Engineer and Surveyor; bject to the control of the Legislature, he shall make the rules and regula- ons for the navigation or use of the canals. He may be suspended or removed om office by the Governor, whenever, in his judgment, the public interest shall require; but in case of the removal of such Superintendent of Public Works om office, the Governor shall file with the Secretary of State a statement of e cause of such removal, and shall report such removal and the cause thereof the Legislature at its next session. The Superintendent of Public Works all appoint not more than three assistant superintendents, whose duties all be prescribed by him, subject to modification by the Legislature, and who all receive for their services a compensation to be fixed by law. They shall old their office for three years, subject to suspension or removal by the uperintendent of Public Works, whenever, in his judgment, the public interest all so require. Any vacancy in the office of any such assistant superintendent

shall be filled for the remainder of the term for which he was appointed, b the Superintendent of Public Works; but in case of the suspension or remov of any such assistant superintendent by him, he shall at once report to th Governor, in writing, the cause of such removal. All other persons employed the care and management of the canals, except collectors of tolls, and tho in the department of the State Engineer and Surveyor, shall be appointed b the Superintendent of Public Works, and be subject to suspension or remov by him. The Superintendent of Public Works shall perform all the duties of th former Canal Commissioners and Board of Canal Commissioners, as no declared by law, until otherwise provided by the Legislature. The Governo by and with the advice and consent of the Senate, shall have power to fill vaca cies in the office of Superintendent of Public Works; if the Senate be not session, he may grant commissions which shall expire at the end of the ne succeeding session of the Senate.

Sec. 4. A Superintendent of State Prisons shall be appointed by the Go ernor, by and with the advice and consent of the Senate, and hold his offi for five years, unless sooner removed; he shall give security in such amou and with such sureties as shall be required by law for the faithful dischar of his duties; he shall have the superintendence, management and control State prisons, subject to such laws as now exist or may hereafter be enacte he shall appoint the agents, wardens, physicians and chaplains of the prison The agent and warden of each prison shall appoint all other officers of suc prison, except the clerk, subject to the approval of the same by the Superi tendent. The Comptroller shall appoint the clerks of the prisons. The Superi tendent shall have all the powers and perform all the duties not inconsiste herewith, which were formerly had and performed by the Inspectors of Sta Prisons. The Governor may remove the Superintendent for cause at any tim giving to him a copy of the charges against him, and an opportunity to b heard in his defense.

Sec. 5. The Lieutenant-Governor, Speaker of the Assembly, Secretary State, Comptroller, Treasurer, Attorney-General and State Engineer and Su veyor shall be the commissioners of the land office. The Lieutenant-Governo Secretary of State, Comptroller, Treasurer and Attorney-General shall be th commissioners of the canal fund. The canal board shall consist of the co missioners of the canal fund, the State Engineer and Surveyor and the Supe intendent of Public Works.

Sec. 6. The powers and duties of the respective boards, and of the sever officers in this article mentioned, shall be such as now are or hereafter may prescribed by law.

Sec. 7. The Treasurer may be suspended from office by the Governo during the recess of the Legislature, and until thirty days after the commenc ment of the next session of the Legislature, whenever it shall appear to hi that such Treasurer has, in any particular, violated his duty. The Governo shall appoint a competent person to discharge the duties of the office durin such suspension of the Treasurer.

Sec. 8. All offices for the weighing, gauging, measuring, culling or inspec ing any merchandise, produce, manufacture or commodity whatever, are herel abolished; and no such office shall hereafter be created by law; but nothi in this section contained shall abrogate any office created for the purpose protecting the public health or the interest of the State in its property, revenu tolls or purchases, or of supplying the people with correct standards of weigh and measures, or shall prevent the creation of any office for such purpos hereafter.

Sec. 9. Appointments and promotions in the civil service of the Sta and of all the civil divisions thereof, including cities and villages, shall be mad according to merit and fitness, to be ascertained, so far as practicable, b examinations, which, so far as practicable, shall be competitive; provided, ho ever, that honorably discharged soldiers and sailors from the army and nav of the United States in the late civil war, who are citizens and residents this State, shall be entitled to preference in appointment and promotion, witho regard to their standing on any list from which such appointment or promo

tion may be made. Laws shall be made to provide for the enforcement of this section.

ARTICLE VI.

SECTION 1. The Supreme Court is continued with general jurisdiction in law and equity subject to such appellate jurisdiction of the Court of Appeals as now is or may be prescribed by law not inconsistent with this article. The existing judicial districts of the State are continued until changed as hereinafter provided. The Supreme Court shall consist of the justices now in office, and of the Judges transferred thereto by the fifth section of this article, all of whom shall continue to be Justices of the Supreme Court during their respective terms, and of twelve additional Justices who shall reside in and be chosen by the electors of the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The Legislature may alter the judicial districts once after every enumeration under the Constitution, of the inhabitants of the State, and thereupon reapportion the Justices to be thereafter elected in the districts so altered.

The Legislature may from time to time increase the number of justices in any judicial district except that the number of justices in the first and second district or in any of the districts into which the second district may be divided, shall not be increased to exceed one justice for each eighty thousand, or fraction over forty thousand of the population thereof, as shown by the last State, or Federal census or enumeration, and except that the number of justices in any other district shall not be increased to exceed one justice for each sixty thousand or fraction over thirty-five thousand of the population thereof as shown by the last State or Federal census or enumeration. The Legislature may erect out of the Second Judicial District as now constituted, another judicial district and apportion the justices in office between the districts, and provide for the election of additional justices in the new district not exceeding the limit herein provided.[8]

SEC. 2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof. There shall be an Appellate Division of the Supreme Court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. A majority of the justices so designated to sit in the Appellate Division, in each department shall be residents of the department.(a) He may also make temporary designations in case of the absence or inability to act of any justice in the Appellate Division, or in case the presiding justice of any Appellate Division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it.(b) Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to

[8] Amendment proposed and adopted by the legislature of 1902, re-adopted by the legislature of 1903, and ratified at the election of Nov. 7, 1905. The second paragraph is the amendment.

any other department for hearing and determination. No justice of the Appellate Division shall, within the department to which he may be designated to perform the duties of an appellate justice(c) exercise any of the powers of a justice of the Supreme Court, other than those of a justice out of court, and those pertaining to the Appellate Division, or to the hearing and decision of motions submitted by consent of counsel, but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the Supreme Court and exercise any of the powers of a justice of the Supreme Court in any county or judicial district in any other department of the State.(d). From and after the last day of December, eighteen hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its general terms and by the general terms of the Court of Common Pleas for the city and county of New York, the Superior Court of the city of New York, the Superior Court of Buffalo, and the city of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter. The justices of the Appellate Division in each department shall have power to fix the times and places for holding special(e) terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.[9]

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[9] Section 2 has been amended twice; the first amendment was proposed and adopted by the legislature of 1897, re-adopted by the legislature of 1899, and ratified at the election of Nov. 7, 1899; the second amendment was proposed and adopted by the legislature of 1904, re-adopted by the legislature of 1905, and ratified at the election of Nov. 7, 1905. The text of the original section is as follows:

Sec. 2. The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines, and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments, but without increasing the number thereof. There shall be an Appellate Division of the Supreme Court, consisting of seven Justices in the first department, and of five Justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five Justices shall sit in any case.

From all the Justices elected to the Supreme Court the Governor shall designate those who shall constitute the Appellate Division in each department; and he shall designate the Presiding Justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other Justices shall be designated for terms of five years, or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, he shall make new designations. He may also make temporary designations in case of the absence or inability to act, of any Justice in the Appellate Division. A majority of the Justices designated to sit in the Appellate Division in each department shall be residents of the department. Whenever the Appellate Division in any department shall be unable to dispose of its business within a reasonable time, a majority of the Presiding Justices of the several departments at a meeting called by the Presiding Justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No Justice of the Appellate Division shall exercise any of the powers of a Justice of the Supreme Court, other than those of a Justice out of court, and those pertaining to the Appellate Division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the Appellate Division shall have the jurisdiction now exercised by the Supreme Court at its General Terms, and by the General Terms of the Court of Common Pleas for the City and County of New York, the Superior Court of the City of New York, the Superior Court of Buffalo and the City Court of Brooklyn, and such additional jurisdiction as may be conferred by the Legislature. It shall have power to appoint and remove a reporter.

The Justices of the Appellate Division in each department shall have power to fix the times and places for holding Special and Trial Terms therein, and to assign the Justices in the departments to hold such terms; or to make rules therefor.

The amendment of 1899 added (a) "A majority of the justices so designated to sit in the appellate division in each department shall be residents of the department"; struck out the words: "A majority of the justices designated to sit in the appellate division in each department shall be residents of the departments," and inserted the words: (b) "or in case the presiding justice of any appellate division shall certify to him that one or more additional justices are needed for the speedy disposition of the business before it"; added the words: (c) "within the department to which he may be designated to perform the duties of an appellate justice"; and also the words: (d) "but any such justice, when not actually engaged in performing the duties of such appellate justice in the department to which he is designated, may hold any term of the supreme court and exercise any of the powers of a justice of the supreme court in any county or judicial district in any other department of the state," and struck out (e) the words "and trial."

SEC. 3. No Judge or Justice shall sit in the Appellate Division or in the Court of Appeals in review of a decision made by him or by any court of which he was at the time a sitting member. The testimony in equity cases shall be taken in like manner as in cases at law; and except as herein otherwise provided, the Legislature shall have the same power to alter and regulate the jurisdiction and proceedings in law and in equity that it has heretofore exercised.

SEC. 4. The official terms of the Justices of the Supreme Court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the Supreme Court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the Governor by and with the advice and consent of the Senate, if the Senate shall be in session, or if not in session the Governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 5. The Superior Court of the City of New York, the Court of Common Pleas for the City and County of New York, the Superior Court of Buffalo, and the City Court of Brooklyn, are abolished from and after the first day of January, one thousand eight hundred and ninety-six, and thereupon the seals, records, papers and documents of or belonging to such courts, shall be deposited in the offices of the clerks of the several counties in which said courts now exist; and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. The judges of said courts in office on the first day of January, one thousand eight hundred and ninety-six, shall, for the remainder of the terms for which they were elected or appointed, be Justices of the Supreme Court; but they shall sit only in the counties in which they were elected or appointed. Their salaries shall be paid by the said counties respectively, and shall be the same as the salaries of the other Justices of the Supreme Court residing in the same counties. Their successors shall be elected as Justices of the Supreme Court by the electors of the judicial districts in which they respectively reside.

The jurisdiction now exercised by the several courts hereby abolished shall be vested in the Supreme Court. Appeals from inferior and local courts now heard in the Court of Common Pleas for the City and County of New York and the Superior Court of Buffalo, shall be heard in the Supreme Court in such manner and by such Justice or Justices as the Appellate Divisions in the respective departments which include New York and Buffalo shall direct, unless otherwise provided by the Legislature.

SEC. 6. Circuit Courts and Courts of Oyer and Terminer are abolished from and after the last day of December, one thousand eight hundred and ninety-five. All their jurisdiction shall thereupon be vested in the Supreme Court, and all actions and proceedings then pending in such courts shall be transferred to the Supreme Court for hearing and determination. Any Justice of the Supreme Court, except as otherwise provided in this article, may hold court in any county.

SEC. 7. The Court of Appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the State. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to appoint and to remove its reporter, clerk and attendants. Whenever and as often as a majority of the judges of the Court of Appeals shall certify to the Governor that said court is unable, by reason of the accumulation of causes pending therein, to hear and dispose of the same with reasonable speed, the Governor shall designate not more than four justices of the Supreme Court to serve as associate judges of Court of Appeals. The justices so designated shall be relieved from their duties as justices of the Supreme Court and shall

serve as associate judges of the Court of Appeals until the causes undisposed of in said court are reduced to two hundred, when they shall return to the Supreme Court. The Governor may designate justices of the Supreme Court to fill vacancies. No justice shall serve as associate judge of the Court of Appeals except while holding the office of Justice of the Supreme Court, and no more than seven judges shall sit in any case.[10]

SEC. 8. When a vacancy shall occur otherwise than by expiration of term, in the office of Chief or Associate Judge of the Court of Appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the Governor, by and with the advice and consent of the Senate, if the Senate shall be in session or if not in session the Governor, may fill such vacancy by appointment. If any such appointment of Chief Judge shall be made from among the Associate Judges, a temporary appointment of Associate Judge shall be made in like manner; but in such case the person appointed Chief Judge shall not be deemed to vacate his office of Associate Judge any longer than until the expiration of his appointment as Chief Judge. The powers and jurisdiction of the court shall not be suspended for want of appointment or election, when the number of Judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled.

SEC. 9. After the last day of December, one thousand eight hundred and ninety-five, the jurisdiction of the Court of Appeals, except where the judgment is of death, shall be limited to the review of questions of law. No unanimous decision of the Appellate Division of the Supreme Court that there is evidence supporting or tending to sustain a finding of fact or a verdict not directed by the court, shall be reviewed by the Court of Appeals. Except where the judgment is of death, appeals may be taken, as a right, to said court only from judgments or orders entered upon decisions of the Appellate Division of the Supreme Court, finally determining actions or special proceedings, and from orders granting new trials on exceptions, where the appellants stipulate that upon affirmance judgment absolute shall be rendered against them. The Appellate Division in any department may, however, allow an appeal upon any question of law which, in its opinion, ought to be reviewed by the Court of Appeals.

The Legislature may further restrict the jurisdiction of the Court of Appeals and the right of appeal thereto, but the right to appeal shall not depend upon the amount involved.

The provisions of this section shall not apply to orders made or judgments rendered by any General Term before the last day of December, one thousand eight hundred and ninety-five, but appeals therefrom may be taken under existing provisions of law.

SEC. 10. The Judges of the Court of Appeals and the Justices of the Supreme Court shall not hold any other office or public trust. All votes for any of them, for any other than a judicial office, given by the Legislature or the people, shall be void.

SEC. 11. Judges of the Court of Appeals and Justices of the Supreme Court may be removed by concurrent resolution of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record, may be removed by the Senate, on the recommendation of the Governor, if two-thirds of all the members elected to the Senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal.

SEC. 12. No person shall hold the office of Judge or Justice of any court longer than until and including the last day of December next after he shall

[10] Amendment proposed and adopted by the legislature of 1898, re-adopted by the legislature of 1899, and ratified at the election of Nov. 7, 1899. The last four sentences were added by the amendment of 1899.

be seventy years of age. Each Justice of the Supreme Court shall receive from the State the sum of ten thousand dollars per year. Those assigned to the Appellate Divisions in the third and fourth departments shall each receive in addition the sum of two thousand dollars, and the Presiding Justices thereof the sum of two thousand five hundred dollars per year. Those Justices elected in the first and second judicial departments shall continue to receive from their respective cities, counties or districts, as now provided by law, such additional compensation as will make their aggregate compensation what they are now receiving. Those Justices elected in any judicial department other than the first or second, and assigned to the Appellate Divisions of the first or second departments shall, while so assigned, receive from those departments respectively, as now provided by law, such additional sum as is paid to the Justices of those departments. A Justice elected in the third or fourth department assigned by the Appellate Division or designated by the Governor to hold a trial or special term in a judicial district other than that in which he is elected shall receive in addition ten dollars per day for expenses while actually so engaged in holding such term, which shall be paid by the State and charged upon the judicial district where the service is rendered. The compensation herein provided shall be in lieu of and shall exclude all other compensation and allowance to said Justices for expenses of every kind and nature whatsoever. The provisions of this section shall apply to the Judges and Justices now in office and to those hereafter elected.[11]

SEC. 13. The Assembly shall have the power of impeachment, by a vote of a majority of all the members elected. The court for the trial of impeachments shall be composed of the President of the Senate, the Senators, or the major part of them, and the Judges of the Court of Appeals, or the major part of them. On the trial of an impeachment against the Governor or Lieutenant-Governor, the Lieutenant-Governor shall not act as a member of the court. No judicial officer shall exercise his office, after articles of impeachment against him shall have been preferred to the Senate, until he shall have been acquitted. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any office of honor, trust or profit under this State; but the party impeached shall be liable to indictment and punishment according to law.

SEC. 14. The existing County Courts are continued, and the Judges thereof now in office shall hold their offices until the expiration of their respective terms. In the county of Kings there shall be four County Judges. The number of County Judges in any county may also be increased, from time to time, by the Legislature, to such number that the total number of County Judges in any one county shall not exceed one for every two hundred thousand, or major fraction thereof, of the population of such county. The additional County Judges in the county of Kings shall be chosen at the general election held in the first odd-numbered year after the adoption of this amendment. The additional County Judges whose offices may be created by the Legislature shall be chosen at the general election held in the first odd-numbered year after the creation of such office. All County Judges, including successors to existing Judges, shall be chosen by the electors of the counties for the term of six years from and including the first day of January following their election. County Courts shall have the powers and jurisdiction they now possess, and also original jurisdiction in actions for the recovery of money only, where the defendants reside in the county, and in which the complaint demands judgment for a sum not exceeding two thousand dollars. The Legislature may hereafter enlarge or restrict the jurisdiction of the County Courts, provided, however, that their jurisdiction shall not be so extended as to authorize an action therein for the recovery of money only, in which the sum demanded

[11] Amendment proposed and adopted by the legislature of 1908, re-adopted by the legislature of 1909, and ratified on Nov. 2, 1909.

exceeds two thousand dollars, or in which any person not a resident of the county is a defendant. Courts of Sessions, except in the county of New York, are abolished from and after the last day of December, eighteen hundred and ninety-five. All the jurisdiction of the Court of Sessions in each county, except the county of New York, shall thereupon be vested in the County Court thereof, and all actions and proceedings then pending in such Courts of Sessions shall be transferred to the said County Courts for hearing and determination. Every County Judge shall perform such duties as they may be required by law. His salary shall be established by law, payable out of the county treasury. A County Judge of any county may hold County Courts in any other county when requested by the judge of such other county.[12]

SEC. 15. The existing Surrogates' Courts are continued, and the Surrogates now in office shall hold their offices until the expiration of their terms. Their successors shall be chosen by the electors of their respective counties, and their terms of office shall be six years, except in the county of New York, where they shall continue to be fourteen years. Surrogates and Surrogates' Courts shall have the jurisdiction and powers which the Surrogates and existing Surrogates' Courts now possess, until otherwise provided by the Legislature. The County Judge shall be Surrogate of his county, except where a separate Surrogate has been or shall be elected. In counties having a population exceeding forty thousand, wherein there is no separate Surrogate, the Legislature may provide for the election of a separate officer to be Surrogate, whose term of office shall be six years. When the Surrogate shall be elected as a separate officer his salary shall be established by law, payable out of the county treasury. No County Judge or Surrogate shall hold office longer than until and including the last day of December next after he shall be seventy years of age. Vacancies occurring in the office of County Judge or Surrogate shall be filled in the same manner as like vacancies occurring in the Supreme Court. The compensation of any County Judge or Surrogate shall not be increased or diminished during his term of office. For the relief of Surrogates' Courts the Legislature may confer upon the Supreme Court in any county having a population exceeding four hundred thousand, the powers and jurisdiction of Surrogates, with authority to try issues of fact by jury in probate cases.

SEC. 16. The Legislature may, on application of the board of supervisors, provide for the election of local officers, not to exceed two in any county, to discharge the duties of County Judge and of Surrogate, in cases of their inability or of a vacancy, and in such other cases as may be provided by law, and to exercise such other powers in special cases as are or may be provided by law.

SEC. 17. The electors of the several towns shall, at their annual town meetings, or at such other time and in such manner as the Legislature may direct, elect Justices of the Peace, whose term of office shall be four years. In case of an election to fill a vacancy occurring before the expiration of a full term, they shall hold for the residue of the unexpired term. Their number and classification may be regulated by law. Justices of the Peace and judges or justices of inferior courts not of record, and their clerks, may be removed for cause, after due notice and an opportunity of being heard by such courts as are or may be prescribed by law. Justices of the Peace and District Court Justices may be elected in the different cities of this State in such manner and with such powers, and for such terms, respectively, as are or shall be prescribed by law; all other judicial officers in cities, whose election or appointment is not otherwise provided for in this article, shall be chosen by the electors of such cities, or appointed by some local authorities thereof.

SEC. 18. Inferior local courts of civil and criminal jurisdiction may be established by the Legislature, but no inferior local court hereafter created shall be a court of record. The Legislature shall not hereafter confer upon any inferior or local court of its creation, any equity jurisdiction or any greater jurisdiction in other respects than is conferred upon County Courts by or under

[12] Amendment proposed and adopted by the legislature of 1912, re-adopted by the legislature of 1913, and ratified at the election of Nov. 4, 1913.

this article. Except as herein otherwise provided, all judicial officers shall be elected or appointed at such times and in such manner as the Legislature may direct.

Sec. 19. Clerks of the several counties shall be clerks of the Supreme Court, with such powers and duties as shall be prescribed by law. The Justices of the Appellate Division in each department shall have power to appoint and to remove a clerk, who shall keep his office at a place to be designated by said Justices. The Clerk of the Court of Appeals shall keep his office at the seat of government. The Clerk of the Court of Appeals and the Clerks of the Appellate Division shall receive compensation to be established by law and paid out of the public treasury.

Sec. 20. No judicial officer, except Justice of the Peace, shall receive to his own use any fees or perquisites of office; nor shall any Judge of the Court of Appeals, or Justice of the Supreme Court, or any County Judge or Surrogate hereafter elected in a county having a population exceeding one hundred and twenty thousand, practice as an attorney or counselor in any court of record in this State, or act as referee. The Legislature may impose a similar prohibition upon County Judges and Surrogates in other counties. No one shall be eligible to the office of Judge of the Court of Appeals, Justice of the Supreme Court, or, except in the county of Hamilton, to the office of County Judge or Surrogate, who is not an attorney and counselor of this State.

Sec. 21. The Legislature shall provide for the speedy publication of all statutes, and shall regulate the reporting of the decisions of the courts; but all laws and judicial decisions shall be free for publication by any person.

Sec. 22. Justices of the Peace and other local judicial officers provided for in sections seventeen and eighteen in office when this article takes effect, shall hold their offices until the expiration of their respective terms.

Sec. 23. Courts of Special Sessions shall have such jurisdiction of offenses of the grade of misdemeanors as may be prescribed by law.

ARTICLE VII.

Section 1. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation.

Sec. 2. The State may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts; but such debts, direct or contingent, singly or in the aggregate, shall not at any time exceed one million of dollars; and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debt so contracted, and to no other purpose whatever.

Sec. 3. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

Sec. 4. Except the debts specified in sections two and three of this article, no debts shall be hereafter contracted by or in behalf of this State, unless such debt shall be authorized by law, for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for and against it at such election. On the final passage of such bill in either house of the Legislature, the question shall be taken by ayes and noes, to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?" The Legislature may at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same; and may at any time, by law, forbid the contracting of any further debt or liability under such law; but the tax imposed by such act,

in proportion to the debt and liability which may have been contracted in pursuance of such law, shall remain in force and be irrepealable, and be annually collected, until the proceeds thereof shall have made the provision hereinbefore specified to pay and discharge the interest and principal of such debt and liability. The money arising from any loan or stock creating such debt or liability shall be applied to the work or object specified in the act authorizing such debt or liability, or for the payment of such debt or liability, and for no other purpose whatever. No such law shall be submitted to be voted on within three months after its passage or at any general election when any other law, or any bill shall be submitted to be voted for or against. The Legislature may provide for the issue of bonds of the State to run for a period not exceeding fifty years in lieu of bonds heretofore authorized but not issued and shall impose and provide for the collection of a direct annual tax for the payment of the same as hereinbefore required. When any sinking fund created under this section shall equal in amount the debt for which it was created, no further direct tax shall be levied on account of said sinking fund, and the Legislature shall reduce the tax to an amount equal to the accruing interest on such debt. The Legislature may from time to time alter the rate of interest to be paid upon any State debt, which has been or may be authorized pursuant to the provisions of this section, or upon any part of such debt, provided, however, that the rate of interest shall not be altered upon any part of such debt or upon any bond or other evidence thereof, which has been, or shall be created or issued before such alteration. In case the Legislature increase the rate of interest upon any such debt, or part thereof it shall impose and provide for the collection of a direct annual tax to pay and sufficient to pay the increased or altered interest on such debt as it falls due and also to pay and discharge the principal of such debt within fifty years from the time of the contracting thereof, and shall appropriate annually to the sinking fund moneys in amount sufficient to pay such interest and pay and discharge the principal of such debt when it shall become due and payable.[13]

SEC. 5. The sinking funds provided for the payment of interest and the extinguishment of the principal of the debts of the State shall be separately kept and safely invested, and neither of them shall be appropriated or used in any manner other than for the specific purpose for which it shall have been provided.

SEC. 6. Neither the Legislature, canal board, nor any person or persons acting in behalf of the State, shall audit, allow, or pay any claim which, as between citizens of the State, would be barred by lapse of time. This provision shall not be construed to repeal any statute fixing the time within which claims shall be presented or allowed, nor shall it extend to any claims duly presented within the time allowed by law, and prosecuted with due diligence from the time of such presentment. But if the claimant shall be under legal disability, the claim may be presented within two years after such disability is removed.

SEC. 7. The lands of the State, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed. But the Legislature may by general laws provide for the use of not exceeding three per centum of such lands for the construction and maintenance of reservoirs for municipal water supply, for the canals of the State

[13] Section 4 has been amended twice; the first amendment was proposed and adopted by the legislature of 1903, re-adopted by the legislature of 1905 and ratified on Nov. 2, 1905; the second amendment was proposed and adopted by the legislature of 1908, re-adopted by the legislature of 1909, and ratified at the election of Nov. 2, 1909. The original section closed with the expression, "to be voted for or against", in line 26, with the exception that the state debt must be discharged in "eighteen" instead of "fifty" years; the word "in" in line 2 read "on"; the word "payment" in line 2 read "repayment"; and the expression "or any amendment to the constitution" followed after the word "bill" in line 26. From the close of the original section, the amendment of 1905 added the following two sentences beginning with "The legislature" in line 27 and closing with "the accrued interest on such debt" in line 34. The provision following was added in 1909.

and to regulate the flow of streams. Such reservoirs shall be constructed, owned and controlled by the State, but such work shall not be undertaken until after the boundaries and high flow lines thereof shall have been accurately surveyed and fixed, and after public notice, hearing and determination that such lands are required for such public use. The expense of any such improvements shall be apportioned on the public and private property and municipalities benefited to the extent of the benefits received. Any such reservoir shall always be operated by the State and the Legislature shall provide for a charge upon the property and municipalities benefited for a reasonable return to the State upon the value of the rights and property of the State used and the services of the State rendered, which shall be fixed for terms of not exceeding ten years and be readjustable at the end of any term. Unsanitary conditions shall not be created or continued by any such public works. A violation of any of the provisions of this section may be restrained at the suit of the people or, with the consent of the Supreme Court in Appellate Division, on notice to the Attorney-General at the suit of any citizen.[14]

SEC. 8. The Legislature shall not sell, lease or otherwise dispose of the Erie canal, the Oswego canal, the Champlain canal, the Cayuga and Seneca canal, or the Black River canal; but they shall remain the property of the State and under its management forever. The prohibition of lease, sale or other disposition herein contained, shall not apply to the canal known as the Main and Hamburg street canal, situated in the city of Buffalo, and which extends easterly from the westerly line of Main street to the westerly line of Hamburg street. All funds that may be derived from any lease, sale or other disposition of any canal shall be applied to the improvement, superintendence or repair of the remaining portion of the canals.

SEC. 9. No tolls shall hereafter be imposed on persons or property transported on the canals, but all boats navigating the canals and the owners and masters thereof, shall be subject to such laws and regulations as have been or may hereafter be enacted concerning the navigation of the canals. The Legislature shall annually, by equitable taxes, make provision for the expenses of the superintendence and repairs of the canals. All contracts for work or materials on any canal shall be made with the persons who shall offer to do or provide the same at the lowest price, with adequate security for their performance. No extra compensation shall be made to any contractor; but if, from any unforeseen cause, the terms of any contract shall prove to be unjust and oppressive, the canal board may, upon the application of the contractor, cancel such contract.

SEC. 10. The canals may be improved in such manner as the Legislature shall provide by law. A debt may be authorized for that purpose in the mode prescribed by section four of this article, or the cost of such improvement may be defrayed by the appropriation of funds from the State treasury, or by equitable annual tax.

SEC. 11. The Legisature may appropriate out of any funds in the treasury, moneys to pay the accruing interest and principal of any debt heretofore or hereafter created, or any part thereof, and may set apart in each fiscal year, moneys in the State treasury as a sinking fund to pay the interest as it falls due and to pay and discharge the principal of any debt heretofore or hereafter created under section four of article seven of the constitution until the same shall be wholly paid, and the principal and income of such sinking fund shall be applied to the purpose for which said sinking fund is created and to no other purpose whatever; and, in the event such moneys so set apart in any fiscal year be sufficient to provide such sinking fund, a direct annual tax for such year need not be imposed and collected, as required by the provisions of said section four of article seven, or of any law enacted in pursuance thereof.[15]

[14] Amendment proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of Nov. 4, 1913.

[15] Section 11 is a new section; it was proposed and adopted by the legislature of 1902, re-adopted by the legislature of 1903, ratified at the election of Nov. 7, 1905, effective on Jan. 1, 1906.

SEC. 12. A debt or debts of the State may be authorized by law for the improvement of highways. Such highways shall be determined under general laws, which shall also provide for the equitable apportionment thereof among the counties. The aggregate of the debts authorized by this section shall not at any one time exceed the sum of fifty millions of dollars. The payment of the annual interest on such debt and the creation of a sinking fund of at least two per centum per annum to discharge the principal at maturity shall be provided by general laws whose force and effect shall not be diminished during the existence of any debt created thereunder. The Legislature may by general laws require the county or town or both to pay to the sinking fund the proportionate part of the cost of any such highway within the boundaries of such county or town and the proportionate part of the interest thereon, but no county shall at any time for any highway be required to pay more than thirty-five hundredths of the cost of such highway, and no town more than fifteen hundredths. None of the provisions of the fourth section of this article shall apply to debts for the improvement of highways hereby authorized.[16]

ARTICLE VIII.

SECTION 1. Corporations may be formed under general laws; but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the objects of the corporation cannot be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

SEC. 3. The term corporations as used in this article shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

SEC. 4. The Legislature shall, by general law conform all charters of savings banks, or institutions for savings, to a uniformity of powers, rights and liabilities, and all charters hereafter granted for such corporations shall be made to conform to such general law, and to such amendments as may be made thereto. And no such corporation shall have any capital stock, nor shall the trustees thereof, or any of them, have any interest whatever, direct or indirect, in the profits of such corporation; and no director or trustee of any such bank or institution shall be interested in any loan or use of any money or property of such bank or institution for savings. The Legislature shall have no power to pass any act granting any special charter for banking purposes; but corporations or associations may be formed for such purposes under general laws.

SEC. 5. The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments, by any person, association or corporation, issuing bank notes of any description.

SEC. 6. The Legislature shall provide by law for the registry of all bills or notes, issued or put in circulation as money, and shall require ample security for the redemption of the same in specie.

SEC. 7. The stockholders of every corporation and joint-stock association for banking purposes, shall be individually responsible to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

SEC. 8. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment, over all other creditors of such bank or association.

SEC. 9. Neither the credit nor the money of the State shall be given or loaned to or in aid of any association, corporation or private undertaking.

[16] Section 12 is a new section; it was proposed and adopted by the legislature of 1903, re-adopted by the legislature of 1905, ratified at the election of N[illegible] 1905, effective on Jan. 1, 1906.

his section shall not, however, prevent the Legislature from making such ovision for the education and support of the blind, the deaf and dumb, and venile delinquents, as to it may seem proper. Nor shall it apply to any fund property now held, or which may hereafter be held, by the State for educa- onal purposes.

SEC. 10. No county, city, town or village shall hereafter give any money property, or loan its money or credit to or in aid of any individual, sociation or corporation, or become directly or indirectly the owner of stock or bonds of, any association or corporation; nor shall any such county, city, wn or village be allowed to incur any indebtedness except for county, city, wn or village purposes. This section shall not prevent such county, city, wn or village from making such provision for the aid or support of its poor may be authorized by law. No county or city shall be allowed to become debted for any purpose or in any manner to an amount which, including isting indebtedness, shall exceed ten per centum of the assessed valuation of e real estate of such county or city subject to taxation, as it appeared by e assessment rolls of said county or city on the last assessment for State county taxes prior to the incurring of such indebtedness; and all indebted- ss in excess of such limitation, except such as now may(a) exist, shall be solutely void, except as herein otherwise provided. No county or city whose esent indebtedness exceeds ten per centum of the assessed valuation of its al estate subject to taxation, shall be allowed to become indebted in any rther amount until such indebtedness shall be reduced within such limit. his section shall not be construed to prevent the issuing of certificates of lebtedness or revenue bonds issued in anticipation of the collection of taxes r amounts actually contained, or to be contained in the taxes for the year hen such certificates or revenue bonds are issued and payable out of such xes;(b) nor to prevent the city of New York from issuing bonds to be deemed out of the tax levy for the year next succeeding the year of their sue, provided that the amount of such bonds which may be issued in any e year in excess of the limitations herein contained shall not exceed one- ath of one per centum of the assessed valuation of the real estate of said city bject to taxation. Nor shall this section be construed to prevent the issue of nds to provide for the supply of water; but the term(c) of the bonds issued provide the supply of water, in excess of the limitation of indebtedness ed herein,(d) shall not exceed twenty years, and a sinking fund shall be eated on the issuing of the said bonds for their redemption, by raising annu- y a sum which will produce an amount equal to the sum of the principal and terest of said bonds at their maturity. All certificates of indebtedness or venue bonds issued in anticipation of the collection of taxes, which are not tired within five years after their date of issue, and bonds issued to provide r the supply of water, and any debt hereafter incurred by any portion or part a city if there shall be any such debt, shall be included in ascertaining e power of the city to become otherwise indebted; except that debts incurred the city of New York after the first day of January, nineteen hundred and ur, and debts incurred by any city of the second class after the first day of nuary, nineteen hundred and eight,(e) and debts incurred by any city of e third class after the first day of January, nineteen hundred and ten,(f) to ovide for the supply of water, shall not be so included.(g) [and except rther that any debt hereafter incurred by the city of New York for a public provement owned or to be owned by the city, which yields to the city current t revenue, after making any necessary allowance for repairs and maintenance, r which the city is liable, in excess of the interest on said debt and of the nual instalments necessary for its amortization may be excluded in ascer ining the power of said city to become otherwise indebted, provided that a nking fund for its amortization shall have been established and maintained d that the indebtedness shall not be so excluded during any period of time hen the revenue aforesaid shall not be sufficient to equal the said interest and nortization installments, and except further that any indebtedness heretofore curred by the city of New York for any rapid transit or dock investment ay be so excluded proportionately to the extent to which the current net

revenue received by said city therefrom shall meet the interest and amortiza tion instalments thereof, provided that any increase in the debt incurrin power of the city of New York which shall result from the exclusion of debt heretofore incurred shall be available only for the acquisition or constructio of properties to be used for rapid transit or dock purposes. The Legislatur shall prescribe the method by which and the terms and conditions under whic the amount of any debt to be so excluded shall be determined, and no suc debt shall be excluded except in accordance with the determination so pr scribed. The Legislature may in its discretion confer appropriate jurisdictio on the Appellate Division of the Supreme Court in the first judicial depar ment for the purpose of determining the amount of any debt to be so excluded No indebtedness of a city valid at the time of its inception shall thereafte become invalid by reason of the operation of any of the provisions of thi section.](h) Whenever(i) the boundaries of any city are(j) the same as thos of a county, or when any city shall include within its boundaries more tha one county,(k) the power of any(l) county wholly included within suc city(m) to become indebted shall cease, but the debt of the county, hereto fore(n) existing, shall not, for the purposes of this section,(o) be reckoned(p as a part of the city debt. The amount hereafter to be raised by tax for count or city purposes, in any county containing a city of over one hundred thousan inhabitants, or any such city of this State, in addition to providing for th principal and interest of existing debt, shall not in the aggregate exceed i any one year two per centum of the assessed valuation of the real and persona estate of such county or city, to be ascertained as prescribed in this section i respect to county or city debt.[17]

SEC. 11. The Legislature shall provide for a state board of charities, whic shall visit and inspect all institutions, whether state, county, municipal, inco porated or not incorporated, which are of a charitable, eleemosynary, corre tional or reformatory character, excepting only such institutions as are hereb made subject to the visitation and inspection of either of the commission hereinafter mentioned, but including all reformatories except those in whic adult males convicted of felony shall be confined; a state commission in lunac which shall visit and inspect all institutions, either public or private, used fo the care and treatment of the insane (not including institutions for epileptic or idiots); a state commission of prisons which shall visit and inspect all inst tutions used for the detention of sane adults charged with or convicted of crim or detained as witnesses or debtors.

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[17] Section 10 has been amended four times; the first amendment was proposed an adopted by the legislature of 1897, re-adopted by the legislature of 1899, and ratified a the election of Nov. 7, 1899; the second amendment was proposed and adopted by th legislature of 1901, re-adopted by the legislature of 1903, and ratified at the election o Nov. 7, 1905; the third amendment was proposed and adopted by the legislature o 1906, re-adopted by the legislature of 1907, and ratified at the election of Nov. 1907; the fourth amendment was proposed and adopted by the legislature of 190 re-adopted by the legislature of 1909, and ratified at the election of Nov. 2, 1909. Th section has been modified mostly by additions, partly by elisions. The amendment ratified from time to time are as follows: (a) the words "may now" were stricke out and the words "now may" inserted in 1905. (b) This clause, from the word "no to the end of the sentence, closing with the word "taxation", was added in 1909. (c The word "terms" was stricken out and the word "term" inserted in 1907. (d) Th words, "but the term of the bonds issued to provide the supply of water, in excess o the limitation of indebtedness fixed herein" were added in 1909. (e) The words, "an debts incurred by any city of the second class after the first day of January, ninetee hundred and eight," were inserted in 1907. (f) The words, "and debts incurred by an city of the third class after the first day of January, nineteen hundred and ten," wer added in 1909. (g) The words, "except that debts incurred by the city of New Yor after the first day of January, nineteen hundred and four . . . to provide for th supply of water shall not be so included", were inserted in 1905. (h) Part in bracket added in 1909. (i) The word "hereafter" stricken out after the word "Whenever" i 1899. (j) The words "shall become" were stricken out and the word "are" inserted i 1899. (k) The words, "or when any city shall include within its boundaries more tha one county", were inserted in 1897. (l) The word "any" was inserted and the wor "the" stricken out in 1899. (m) The words, "wholly included within such city", wer inserted in 1899. (n) The word "heretofore" was inserted and the words "at tha time" stricken out in 1899. (o) The words, "for the purposes of this section" wer added in 1899. (p) The word "included" was stricken out and the word "reckoned inserted in 1899.

SEC. 12. The members of the said board and of the said commissions shall be appointed by the Governor, by and with the advice and consent of the Senate; and any member may be removed from office by the Governor for cause, an opportunity having been given him to be heard in his defense.

SEC. 13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the Constitution, shall remain in force until amended or repealed by the Legislature. The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law.

SEC. 14. Nothing in this Constitution contained shall prevent the Legislature from making such provision for the education and support of the blind, the deaf and dumb, and juvenile delinquents, as to it may seem proper; or prevent any county, city, town or village from providing for the care, support, maintenance and secular education, of inmates of orphan asylums, homes for dependent children or correctional institutions, whether under public or private control. Payments by counties, cities, towns and villages to charitable, eleemosynary, correctional and reformatory institutions, wholly or partly under private control, for care, support and maintenance, may be authorized, but shall not be required by the Legislature. No such payments shall be made for any inmate of such institutions who is not received and retained therein pursuant to rules established by the state board of charities. Such rules shall be subject to the control of the Legislature by general laws.

SEC. 15. Commissioners of the state board of charities and commissioners of the state commission in lunacy, now holding office, shall be continued in office for the term for which they were appointed, respectively, unless the Legislature shall otherwise provide. The Legislature may confer upon the commissions and upon the board mentioned in the foregoing sections any additional powers that are not inconsistent with other provisions of the Constitution.

ARTICLE IX.

SECTION 1. The Legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this State may be educated.

SEC. 2. The corporation created in the year one thousand seven hundred and eighty-four, under the name of The Regents of the University of the State of New York, is hereby continued under the name of The University of the State of New York. It shall be governed and its corporate powers, which may be increased, modified or diminished by the Legislature, shall be exercised by not less than nine regents.

SEC. 3. The capital of the common school fund, the capital of the literature fund, and the capital of the United States deposit fund, shall be respectively preserved inviolate. The revenue of the said common school fund shall be applied to the support of common schools; the revenue of the said literature fund shall be applied to the support of academies; and the sum of twenty-five thousand dollars of the revenues of the United States deposit fund shall each year be appropriated to and made part of the capital of the said common school fund.

SEC. 4. Neither the State nor any subdivision thereof, shall use its property or credit or any public money, or authorize or permit either to be used, directly or indirectly, in aid or maintenance, other than for examination or inspection, of any school or institution of learning wholly or in part under the control or direction of any religious denomination, or in which any denominational tenet or doctrine is taught.

ARTICLE X.

SECTION 1. Sheriffs, clerks of counties, district attorneys and registers in counties having registers, shall be chosen by the electors of the respective counties, once in every three years and as often as vacancies shall happen.

except in the counties of New York and Kings, and in counties whose boundaries are the same as those of a city, where such officers shall be chosen by the electors once in every two or four years as the Legislature shall direct. Sheriffs shall hold no other office and be ineligible for the next term after the termination of their offices. They may be required by law to renew their security from time to time; and in default of giving such new security, their offices shall be deemed vacant. But the county shall never be made responsible for the acts of the sheriff. The Governor may remove any officer, in this section mentioned, within the term for which he shall have been elected; giving to such officer a copy of the charges against him, and an opportunity of being heard in his defense.

SEC. 2. All county officers whose election or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers, whose election or appointment is not provided for by this Constitution, and all officers, whose offices may hereafter be created by law, shall be elected by the people, or appointed as the Legislature may direct.

SEC. 3. When the duration of any office is not provided by this constitution it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

SEC. 4. The time of electing all officers named in this article shall be prescribed by law.

SEC. 5. The Legislature shall provide for filling vacancies in office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy.

SEC. 6. The political year and legislative term shall begin on the first day of January; and the Legislature shall, every year, assemble on the first Wednesday in January.

SEC. 7. Provision shall be made by law for the removal for misconduct or malversation in office of all officers, except judicial, whose powers and duties are not local or legislative and who shall be elected at general elections, and also for supplying vacancies created by such removal.

SEC. 8. The Legislature may declare the cases in which any office shall be deemed vacant when no provision is made for that purpose in this Constitution.

SEC. 9. No officer whose salary is fixed by the Constitution shall receive any additional compensation. Each of the other state officers named in the Constitution shall, during his continuance in office, receive a compensation, to be fixed by law, which shall not be increased or diminished during the term for which he shall have been elected or appointed; nor shall he receive to his use any fees or perquisites of office or other compensation.

ARTICLE XI.

SECTION 1. All able-bodied male citizens between the ages of eighteen and forty-five years, who are residents of the State, shall constitute the militia, subject however to such exemptions as are now, or may be hereafter created by the laws of the United States, or by the Legislature of this State.

SEC. 2. The Legislature may provide for the enlistment into the active force of such other persons as may make application to be so enlisted.

SEC. 3. The militia shall be organized and divided into such land and naval, and active and reserve forces, as the Legislature may deem proper, provided however that there shall be maintained at all times a force of not less than ten thousand enlisted men, fully uniformed, armed, equipped, disciplined

and ready for active service. And it shall be the duty of the Legislature at each session to make sufficient appropriations for the maintenance thereof.

SEC. 4. The Governor shall appoint the chiefs of the several staff departments, his aides-de-camp and military secretary, all of whom shall hold office during his pleasure, their commissions to expire with the term for which the Governor shall have been elected; he shall also nominate, and with the consent of the Senate appoint, all major-generals.

SEC. 5. All other commissioned and non-commissioned officers shall be chosen or appointed in such manner as the Legislature may deem most conducive to the improvement of the militia, provided, however, that no law shall be passed changing the existing mode of election and appointment unless two-thirds of the members present in each house shall concur therein.

SEC. 6. The commissioned officers shall be commissioned by the Governor as commander-in-chief. No commissioned officer shall be removed from office during the term for which he shall have been appointed or elected, unless by the Senate on the recommendation of the Governor, stating the grounds on which such removal is recommended, or by the sentence of a court-martial, or upon the findings of an examining board organized pursuant to law, or for absence without leave for a period of six months or more.

ARTICLE XII.

SECTION 1. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debt by such municipal corporations; [and the Legislature may regulate and fix the wages or salaries, the hours of work or labor, and make provisions for the protection, welfare and safety of persons employed by the State or by any county, city, town, village or other civil division of the State, or by any contractor or subcontractor performing work, labor or services for the State, or for any county, city, town, village or other civil division thereof.][18]

SEC. 2. All cities are classified according to the latest state enumeration, as from time to time made, as follows: The first class includes all cities having a population of one hundred and seventy-five thousand or more; the second class, all cities having a population of fifty thousand and less than one hundred and seventy-five thousand; the third class, all other cities. Laws relating to the property, affairs or government of cities, and the several departments thereof, are divided into general and special city laws; general city laws are those which relate to all the cities of one or more classes; special city laws are those which relate to a single city, or to less than all the cities of a class. Special city laws shall not be passed except in conformity with the provisions of this section. After any bill for a special city law, relating to a city, has been passed by both branches of the Legislature, the house in which it originated shall immediately transmit a certified copy thereof to the mayor of such city, and within fifteen days thereafter the mayor shall return such bill to the house from which it was sent, or if the session of the Legislature at which such bill was passed has terminated, to the Governor, with the mayor's certificate thereon, stating whether the city has or has not accepted the same. In every city of the first class the mayor and in every other city, the mayor and the legislative body thereof concurrently, shall act for such city as to such bill; but the Legislature may provide for the concurrence of the legislative body in cities of the first class. The Legislature shall provide for a public notice and opportunity for a public hearing concerning any such bill in every city to which it relates, before action thereon. Such a bill, if it relates to more than one city, shall be transmitted to the mayor of each city to which it relates, and shall not be deemed accepted unless accepted as herein provided, by every such city. Whenever any such bill is accepted as herein provided, it shall

[18] Amendment proposed and adopted by the legislature of 1902, re-adopted by the legislature of 1903, and ratified at the election of Nov. 7, 1905. The part enclosed in brackets is the amendment.

be subject as are other bills, to the action of the Governor. Whenever, during the session at which it was passed, any such bill is returned without the acceptance of the city or cities to which it relates, or within such fifteen days is not returned, it may nevertheless again be passed by both branches of the Legislature, and it shall then be subject as are other bills, to the action of the Governor. In every special city law which has been accepted by the city or cities to which it relates, the title shall be followed by the words "accepted by the city," or "cities," as the case may be; in every such law which is passed without such acceptance, by the words "passed without the acceptance of the city," or "cities," as the case may be.[19]

SEC. 3. All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. The terms of office of all such officers elected before the first day of January, one thousand eight hundred and ninety-five, whose successors have not then been elected, which under existing laws would expire with an even-numbered year, or in an odd-numbered year and before the end thereof, are extended to and including the last day of December next following the time when such terms would otherwise expire; the terms of office of all such officers, which under existing laws would expire in an even-numbered year, and before the end thereof, are abridged so as to expire at the end of the preceding year. This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.

ARTICLE XIII.

SECTION 1. Members of the Legislature, and all officers executive and judicial, except such inferior officers as shall be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability;" and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote," and no other oath, declaration or test shall be required as a qualification for any office of public trust.

SEC. 2. Any person holding office under the laws of this State, who, except in payment of his legal salary, fees or perquisites, shall receive or consent to receive, directly or indirectly, anything of value or of personal advantage, or the promise thereof, for performing or omitting to perform any official act, or with the express or implied understanding that his official action or omission to act is to be in any degree influenced thereby, shall be deemed guilty of a felony. This section shall not affect the validity of any existing statute in relation to the offense of bribery.

SEC. 3. Any person who shall offer or promise a bribe to an officer, if it shall be received, shall be deemed guilty of a felony and liable to punishment, except as herein provided. No person offering a bribe shall, upon any prosecution of the officer for receiving such bribe, be privileged from testifying in

[19] Amendment proposed and adopted by the legislature of 1906, re-adopted by the legislature of 1907, and ratified at the election of Nov. 5, 1907.

relation thereto, and he shall not be liable to civil or criminal prosecution therefor, if he shall testify to the giving or offering of such bribe. Any person who shall offer or promise a bribe, if it be rejected by the officer to whom it was tendered, shall be guilty of an attempt to bribe, which is hereby declared to be a felony.

SEC. 4. Any person charged with receiving a bribe, or with offering or promising a bribe, shall be permitted to testify in his own behalf in any civil or criminal prosecution therefor.

SEC. 5. No public officer, or person elected or appointed to a public office, under the laws of this State, shall directly or indirectly ask, demand, accept, receive or consent to receive for his own use or benefit, or for the use or benefit of another, any free pass, free transportation, franking privilege or discrimination in passenger, telegraph or telephone rates, from any person or corporation, or make use of the same himself or in conjunction with another. A person who violates any provision of this section, shall be deemed guilty of a misdemeanor, and shall forfeit his office at the suit of the Attorney-General. Any corporation, or officer or agent thereof, who shall offer or promise to a public officer, or person elected or appointed to a public office, any such free pass, free transportation, franking privilege or discrimination, shall also be deemed guilty of a misdemeanor and liable to punishment except as herein provided. No person or officer or agent of a corporation giving any such free pass, free transportation, franking privilege or discrimination hereby prohibited, shall be privileged from testifying in relation thereto, and he shall not be liable to civil or criminal prosecution therefor if he shall testify to the giving of the same.

SEC. 6. Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the Governor, after due notice and an opportunity of being heard in his defense. The expenses which shall be incurred by any county, in investigating and prosecuting any charge of bribery or attempting to bribe any person holding office under the laws of this State, within such county, or of receiving bribes by any such person in said county, shall be a charge against the State, and their payment by the State shall be provided for by law

ARTICLE XIV.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate and Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, and the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election of senators, and shall be published for three months previous to the time of making such choice; and if in the Legislature so next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit each proposed amendment or amendments to the people for approval in such manner and at such times as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of the Constitution from and after the first day of January next after such approval.

SEC. 2. At the general election to be held in the year one thousand nine hundred and sixteen, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question, "Shall there be a convention to revise the Constitution and amend the same?" shall be decided by the electors of the State; and in case a majority of the electors voting thereon shall decide in favor of a convention for such purpose, the electors of every senate district of the State, as then organized, shall elect three delegates at the next ensuing general election at which members of the Assembly shall be chosen, and the electors of the State voting at the same election

shall elect fifteen delegates-at-large. The delegates so elected shall conven at the capitol on the first Tuesday of April next ensuing after their electio and shall continue their session until the business of such convention sha have been completed. Every delegate shall receive for his services the sam compensation and the same mileage as shall then be annually payable to th members of the Assembly. A majority of the convention shall constitute quorum for the transaction of business, and no amendment to the Constitutio shall be submitted for approval to the electors as hereinafter provided, unles by the assent of a majority of all the delegates elected to the conventio the yeas and nays being entered on the journal to be kept. The conventio shall have the power to appoint such officers, employees and assistants as may deem necessary, and fix their compensation and to provide for the prin ing of its documents, journal and proceedings. The convention shall dete mine the rules of its own proceedings, choose its own officers, and be th judge of the election, returns and qualifications of its members. In case a vacancy, by death, resignation or other cause, of any district delegate electe to the convention, such vacancy shall be filled by a vote of the remainin delegates representing the district in which such vacancy occurs. If suc vacancy occurs in the office of a delegate-at-large, such vacancy shall b filled by a vote of the remaining delegates-at-large. Any proposed constit tion or constitutional amendment which shall have been adopted by su convention, shall be submitted to a vote of the electors of the State at th time and in the manner provided by such convention, at an election whi shall be held not less than six weeks after the adjournment of such conventio Upon the approval of such constitution or constitutional amendments, in t manner provided in the last preceding section, such constitution or constit tional amendment shall go into effect on the first day of January next aft such approval.

SEC. 3. Any amendment proposed by a constitutional convention relati to the same subject as an amendment proposed by the Legislature, coincident submitted to the people for approval at the general election held in the ye one thousand eight hundred and ninety-four, or at any subsequent electio shall, if approved, be deemed to supersede the amendment so proposed the Legislature.

ARTICLE XV.

SECTION 1. This Constitution shall be in force from and including t first day of January, one thousand eight hundred and ninety-five, except herein otherwise provided.

Done in Convention at the Capitol in the city of Albany, the twenty-nin day of September, in the year one thousand eight hundred and nine four, and of the Independence of the United States of America t one hundred and nineteenth.

In witness whereof, we have hereunto subscribed our names.

JOSEPH HODGES CHOATE,
President and Delegate-at-Large.

CHARLES ELLIOTT FITCH,
Secretary.

CONSTITUTION OF NORTH CAROLINA—1876.*

PREAMBLE.

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution:

ARTICLE I.

DECLARATION OF RIGHTS.

That the great, general and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and Government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare:

SECTION 1. That we hold it to be self-evident that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

SEC. 2. That all political power is vested in, and derived from, the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SEC. 3. That the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government whenever it may be necessary for their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight or at its regular sessions of the years one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine, and one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State.

* The constitution of North Carolina was drafted by a convention which assembled at Raleigh on Sept. 6, 1875, and adjourned on Oct. 11, 1875. The constitution of 1868 was used as a basis for the drafting of the constitution of 1876 and in several particulars the convention was forbidden to make any changes. The constitution was ratified by the electors on Nov. 6, 1876, by a vote of 122,912 to 108,829.

unless the proposing to pay the same shall have first been submitted to th people and by them ratified by the vote of a majority of all the qualified voter of the State, at a regular election held for that purpose.[1]

SEC. 7. No man or set of men are entitled to exclusive or separate emolu ments or privileges from the community but in consideration of public service

SEC. 8. The legislative, executive and supreme judicial powers of th government ought to be forever separate and distinct from each other.

SEC. 9. All powers of suspending laws, or the execution of laws, by an authority, without the consent of the representatives of the people, is in jurious to their rights, and ought not to be exercised.

SEC. 10. All elections ought to be free,

SEC. 11. In all criminal prosecutions, every man has the right to b informed of the accusation against him and to confront the accusers and wi nesses with other testimony, and to have counsel for his defence, and not b compelled to give evidence against himself, or to pay costs, jail fees, or nece sary witness fees of the defence, unless found guilty.

SEC. 12. No person shall be put to answer any criminal charge, excep as hereinafter allowed, but by indictment, presentment or impeachment.

SEC. 13. No person shall be convicted of any crime but by the unan mous verdict of a jury of good and lawful men in open court. The legisl ture may, however, provide other means of trial for petit misdemeanors, wit the right of appeal.

SEC. 14. Excessive bail should not be required, nor excessive fines im posed, nor cruel or unusual punishments inflicted.

SEC. 15. General warrants, whereby any officer or messenger may b commanded to search suspected places, without evidence of the act committe or to seize any person or persons not named, whose offence is not particularl described and supported by evidence, are dangerous to liberty and ought not be granted.

SEC. 16. There shall be no imprisonment for debt in this State, excep in cases of fraud.

SEC. 17. No person ought to be taken, imprisoned, or disseized of h freehold, liberties or privileges, or outlawed or exiled, or in any manner d prived of his life, liberty or property, but by the law of the land.

SEC. 18. Every person restrained of his liberty is entitled to a remed to inquire into the lawfulness thereof, and to remove the same, if unlawfu and such remedy ought not to be denied or delayed.

SEC. 19. In all controversies at law respecting property, the ancie mode of trial by jury is one of the best securities of the rights of the pe ple, and ought to remain sacred and inviolable.

SEC. 20. The freedom of the press is one of the great bulwarks of liber and therefore ought never to be restrained, but every individual shall held responsible for the abuse of the same.

SEC. 21. The privileges of the writ of habeas corpus shall not be s pended,

SEC. 22. As political rights and privileges are not dependent upon, modified by, property, therefore no property qualification ought to affect t right to vote or hold office.

SEC. 23. The people of the State ought not to be taxed, or made subj to the payment of any impost or duty, without the consent of themselves. their representatives in General Assembly, freely given.

SEC. 24. A well-regulated militia being necessary to the security of free State, the right of the people to keep and bear arms shall not be fringed; and, as standing armies in time of peace are dangerous to libe they ought not to be kept up, and the military should be kept under st subordination to, and governed by, the civil power. Nothing herein contai shall justify the practice of carrying concealed weapons, or prevent the Le lature from enacting penal statutes against said practice.

[1] Amendment proposed by the general assembly of 1879 and ratified at the elect of Nov. 2, 1880. The original section concluded with the word "slave;" the provis following the word "slave" is the amendment.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

SEC. 26. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.

SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.

SEC. 31. Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no ex post facto law ought to be made. No law taxing retrospective sales, purchases, or other acts previously done, ought to be passed.

SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be and are hereby forever prohibited within the State.

SEC. 34. The limits and boundaries of the State shall be and remain as they now are.

SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

SEC. 36. No soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner prescribed by law.

SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.

SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all members are actually present.

SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, unless such county shall be equitably entitled to two or more Senators.

SEC. 5. The House of Representatives shall be composed of one hundred and twenty Representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have

at least one Representative in the House of Representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the General Assembly at the respective times and periods when the Districts for the Senate are hereinbefore directed to be laid off.

SEC. 6. In making the apportionment in the House of Representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the State, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the State, by the number of Representatives, less the number assigned to such counties; and in ascertaining the number of the population of the State, aliens and Indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio, there shall be assigned one Representative; to each county containing twice but not three times the said ratio, there shall be assigned two Representatives, and so on progressively, and then the remaining Representatives shall be assigned severally to the counties having the largest fractions.

SEC. 7. Each member of the Senate shall not be less than twenty-five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the District for which he is chosen one year immediately preceding his election.

SEC. 8. Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

SEC. 9. In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be viva voce.

SEC. 10. The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

SEC. 12. The General Assembly shall not pass any private law, unless it shall be made to appear that thirty days notice of application to pass such law shall have been given, under such direction and in such manner as shall be provided by law.[2]

SEC. 13. If vacancies shall occur in the General Assembly by death, resignation or otherwise, writs of election shall be issued by the Governor under such regulations as may be prescribed by law.

SEC. 14. No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State, directly or indirectly, for the payment of any debt or to impose any tax upon the people of the State, or allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly and passed three several readings, which readings shall have been on three different days and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

SEC. 15. The General Assembly shall regulate entails in such manner as to prevent perpetuities.

SEC. 16. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

SEC. 17. Any member of either House may dissent from and protest against any act or resolve which he may think injurious to the public, or any individual and have the reasons of his dissent entered on the journal.

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[2] See Section 29, Article II, adopted in 1916.

SEC. 18. The House of Representatives shall choose their own Speaker nd other officers.

SEC. 19. The Lieutenant-Governor shall preside in the Senate, but shall ve no vote unless it may be equally divided.

SEC. 20. The Senate shall choose its other officers and also a Speaker (pro mpore) in the absence of the Lieutenant-Governor, or when he shall exer- se the office of Governor.

SEC. 21. The style of the acts shall be: "The General Assembly of North arolina do enact."

SEC. 22. Each House shall be judge of the qualifications and elections of s own members, shall sit upon its own adjournment from day to day, prepare lls to be passed into laws; and the two Houses may also jointly adjourn any future day or other place.

SEC. 23. All bills and resolutions of a legislative nature shall be read three nes in each House before they pass into laws, and shall be signed by the esiding officers of both Houses.

SEC. 24. Each member of the General Assembly, before taking his seat, all take an oath or affirmation that he will support the Constitution and laws the United States, and the Constitution of the State of North Carolina, and ll faithfully discharge his duty as a member of the Senate or House of Repre- ntatives.

SEC. 25. The terms of office for Senators and members of the House of presentatives shall commence at the time of their election.

SEC. 26. Upon motion made and seconded in either House by one-fifth of the mbers present, the yeas and nays upon any question shall be taken and en- ed upon the journals.

SEC. 27. The election for members of the General Assembly shall be held the respective districts and counties, at the places where they are now held, may be directed hereafter to be held, in such manner as may be prescribed law, on the first Thursday in August, in the year one thousand eight hundred d seventy, and every two years thereafter. But the General Assembly may nge the time of holding the elections.

SEC. 28. The members of the General Assembly for the term for which they ve been elected shall receive as a compensation for their services the sum of ur dollars per day for each day of their session, for a period not exceeding ty days; and should they remain longer in session they shall serve without npensation. They shall also be entitled to receive ten cents per mile, both ile coming to the seat of government and while returning home, and said tance to be computed by the nearest line or route of public travel. The com- nsation of the presiding officers of the two Houses shall be six dollars per and mileage. Should an extra session of the General Assembly be called, members and presiding officers shall receive a like rate of compensation for eriod not exceeding twenty days.

SEC. 29. The General Assembly shall not pass any local, private, or special or resolution relating to the establishment of courts inferior to the Superior rt; relating to the appointment of justices of the peace; relating to health, itation, and the abatement of nuisances; changing the names of cities, towns townships; authorizing the laying out, opening, altering, maintaining, or ontinuing of highways, streets or alleys; relating to ferries or bridges; re- ng to non-navigable streams; relating to cemeteries; relating to the pay of rs; erecting new townships, or changing township lines, or establishing or ging the lines of school districts; remitting fines, penalties, and forfeitures, refunding moneys legally paid into the public treasury; regulating labor, le, mining, or manufacturing; extending the time for the assessment or col- ion of taxes or otherwise relieving any collector of taxes from the due per- mance of his official duties or his sureties from liability; giving effect to rmal wills and deeds; nor shall the General Assembly enact any such local, ate or special act by the partial repeal of a general law, but the General mbly may at any time repeal local, private, or special laws enacted by it. local, private, or special act or resolution passed in violation of the provi

sions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.[3]

ARTICLE III.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department shall consist of a Governor, in whom shall be vested the supreme executive power of the State, a Lieutenant-Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, and an Attorney-General, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their terms of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

SEC. 2. No person shall be eligible as Governor or Lieutenant-Governor unless he shall have attained the age of thirty years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall the person elected to either of these two offices be eligible to the same office more than four years in any term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The person having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

SEC. 4. The Governor, before entering upon the duties of his office, shall in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

SEC. 5. The Governor shall reside at the seat of government of this State and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses (except in cases of impeachment) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation or pardon granted, stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon or reprieve, and the reasons therefor.

SEC. 7. The officers of the Executive Department and of the public institutions of the State shall, at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

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[3] Section 29 is a new section; it was proposed by the general assembly of 1915 and ratified on Nov. 7, 1916. See Section 12, Article II.

SEC. 8. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the service of the United States.

SEC. 9. The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

SEC. 10. The Governor shall nominate and, by and with the advice and consent of a majority of the Senators-elect, appoint all officers whose offices are established by this Constitution and whose appointments are not otherwise provided for.

SEC. 11. The Lieutenant-Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall, whilst acting as President of the Senate, receive for his services the same pay which shall, for the same period, be allowed to the Speaker of the House of Representatives; and he shall receive no other compensation except when he is acting as Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor shall in any wise become vacant, the powers, duties and emoluments of the office shall devolve upon the Lieutenant-Governor until the disability shall cease or a new Governor shall be elected and qualified. In every case in which the Lieutenant-Governor shall be unable to preside over the Senate, the Senators shall elect one of their own number President of their body; and the powers, duties and emoluments of the office of Governor shall devolve upon him whenever the Lieutenant-Governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting Governor until the disabilities are removed, or a new Governor or Lieutenant-Governor shall be elected and qualified. Whenever, during the recess of the General Assembly, it shall become necessary for the President of the Senate to administer the government, the Secretary of State shall convene the Senate, that they may elect such President.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the persons chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

SEC. 14. The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction shall constitute, ex officio, the Council of State, who shall advise the Governor in the execution of his office, and three of whom shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be, ex officio, the legal adviser of the Executive Department.

SEC. 15. The officers mentioned in this article shall, at stated periods, receive for their services a compensation to be established by law, which shall neither be increased nor diminished during the time for which they shall have been elected, and the said officers shall receive no other emolument or allowance whatever.

SEC. 16. There shall be a seal of the State, which shall be kept by the Governor, and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina." All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State," signed by the Governor and countersigned by the Secretary of State.

SEC. 17. The General Assembly shall establish a Department of Agriculture,

Immigration and Statistics, under such regulations as may best promote th agricultural interests of the State, and shall enact laws for the adequate pr tection and encouragement of sheep husbandry.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SECTION 1. The distinctions between actions at law and suits in equity, an the forms of all such actions and suits, shall be abolished; and there shall b in this State but one form of action for the enforcement or protection of privat rights or the redress of private wrongs, which shall be denominated a civ action; and every action prosecuted by the people of the State as a party again a person charged with a public offense, for the punishment of the same, shall b termed a criminal action. Feigned issues shall also be abolished, and the fa at issue tried by order of Court before a jury.

SEC. 2. The judicial power of the State shall be vested in a Court for th Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justice of the Peace, and such other Courts inferior to the Supreme Court as may b established by law.

SEC. 3. The Court for the Trial of Impeachments shall be the Senate. majority of the members shall be necessary to a quorum, and the judgme shall not extend beyond removal from, and disqualification to hold, office i this State; but the party shall be liable to indictment and punishment accordi to law.

SEC. 4. The House of Representatives solely shall have the power of im peaching. No person shall be convicted without the concurrence of two-thirds the Senators present. When the Governor is impeached the Chief Justice sha preside.

SEC. 5. Treason against the State shall consist only in levying war again it, or adhering to its enemies, giving them aid and comfort. No person sha be convicted of treason unless on the testimony of two witnesses to the sam overt act, or on confession in open Court. No conviction of treason or attainde shall work corruption of blood or forfeiture.

SEC. 6. The Supreme Court shall consist of a Chief Justice and four Ass ciate Justices.[4]

SEC. 7. The terms of the Supreme Court shall be held in the city of Raleig as now, until otherwise provided by the General Assembly.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appea any decision of the Courts below, upon any matter of law or legal inferenc And the jurisdiction of said Court over "issues of fact" and "questions of fac shall be the same exercised by it before the adoption of the Constitution of or thousand eight hundred and sixty-eight, and the Court shall have the pow to issue any remedial writs necessary to give it a general supervision and co trol over the proceedings of the inferior Courts.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claim against the State, but its decisions shall be merely recommendatory; no proce in the nature of execution shall issue thereon: they shall be reported to th next session of the General Assembly for its action.

SEC. 10. The State shall be divided into nine judicial districts, for each which a Judge shall be chosen; and there shall be held a Superior Court in eac county at least twice in each year, to continue for such time in each county may be prescribed by law. But the General Asesmbly may reduce or increa the number of districts.

SEC. 11. Every Judge of the Superior Court shall reside in the district f which he is elected. The judges shall preside in the courts of the different d tricts successively, but no judge shall hold the courts in the same distric oftener than once in four years; but in case of the protracted illness of t judge assigned to preside in any district, or of any other unavoidable accide to him, by reason of which he shall be unable to preside, the Governor ma

[4] Amendment proposed by the general assembly of 1887 and ratified on Nov. 1888. The amendment provided for "four" associate justices instead of "two" as in th original constitution.

equire any judge to hold one or more specified terms in said district, in lieu f the judge assigned to hold the courts of the said district; and the General ssembly may by general laws provide for the selection of special or emergency udges to hold the Superior Courts of any county or district, when the judge ssigned thereto by reason of sickness, disability, or other cause, is unable to ttend and hold said court, and when no other judge is available to hold the ame. Such special or emergency judges shall have the power and authority f regular judges of the Superior Courts, in the courts which they are so ap-ointed to hold; and the General Assembly shall provide for their reasonable ompensation.[5]

SEC. 12. The General Assembly shall have no power to deprive the Judi-ial Department of any power or jurisdiction which rightfully pertains to it as coördinate department of the government; but the General Assembly shall llot and distribute that portion of this power and jurisdiction which does not ertain to the Supreme Court, among other Courts prescribed in this Constitution r which may be established by law, in such manner as it may deem best; pro-ide also a proper system of appeals, and regulate by law, when necessary, the ethods of proceedings in the exercise of their powers, of all the courts below he Supreme Court, so far as the same may be done without conflict with other rovisions of this Constitution.

SEC. 13. In all issues of fact, joined in any Court, the parties may waive he right to have the same determined by a jury, in which case the finding of he Judge upon the facts shall have the force and effect of a verdict by a jury.

SEC. 14. The General Assembly shall provide for the establishment of Spe-ial Courts, for the trial of misdemeanors, in cities and towns where the same ay be necessary.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, nd shall hold his office for eight years.

SEC. 16. A Clerk of the Superior Court for each county shall be elected by he qualified voters thereof, at the time and in the manner prescribed by law or the election of members of the General Assembly.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

SEC. 18. The General Assembly shall prescribe and regulate the fees, sal-ries and emoluments of all officers provided for in this article; but the salaries f the Judges shall not be diminished during their continuance in office.

SEC. 19. The laws of North Carolina, not repugnant to this Constitution, the Constitution and laws of the United States, shall be in force until law-ully altered.

SEC. 20. Actions at law, and suits in equity, pending when this Constitution all go into effect, shall be transferred to the Courts having jurisdiction thereof, ithout prejudice by reason of the change; and all such actions and suits com-enced before, and pending at the adoption by the General Assembly of the les of practice and procedure herein provided for, shall be heard and deter-ined according to the practice now in use, unless otherwise provided for by id rules.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified ters of the State, as is provided for the election of members of the General ssembly. They shall hold their offices for eight years. The Judges of the perior Courts, elected at the first election under this amendment, shall be ected in like manner as is provided for Justices of the Supreme Court, and hall hold their offices for eight years. The General Assembly may, from time time, provide by law that the Judges of the Superior Courts, chosen at suc-eding elections, instead of being elected by the voters of the whole State, as herein provided for, shall be elected by the voters of their respective districts.

SEC. 22. The Superior Courts shall be at all times open for the transaction all business within their jurisdiction, except the trial of issues of fact re-iring a jury.

SEC. 23. A Solicitor shall be elected for each Judicial District by the quali-

[5] Amendment proposed by the general assembly of 1915 and ratified on Nov. 7, 6. That part of the section beginning, "and the General Assembly may by general w provide," and all that follows is the amendment.

fied voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

SEC. 24. In each county a Sheriff and Coroner shall be elected by the qualified voters thereof, as is prescribed for members of the General Assembly, and shall hold their offices for two years. In each township there shall be a Constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no Coroner in a county, the Clerk of the Superior Court for the county may appoint one for special cases. In case of a vacancy existing for any cause in any of the offices created by this section, the Commissioners of the county may appoint to such office for the unexpired term.

SEC. 25. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled by the appointment of the Governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the General Assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

SEC. 26. The officers elected at the first election held under this Constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the General Assembly. But their terms shall begin upon the approval of this Constitution by the Congress of the United States.

SEC. 27. The several Justices of the Peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to Justices of the Peace jurisdiction of other civil actions, wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a Justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature, the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a Justice, he shall make a record of the proceedings and file same with the Clerk of the Superior Court for his county.

SEC. 28. When the office of Justice of the Peace shall become vacant otherwise than by expiration of the term, and in case of a failure by the voters of any district to elect, the Clerk of the Superior Court for the county shall appoint to fill the vacancy for the unexpired term.

SEC. 29. In case the office of Clerk of the Superior Court for a county shall become vacant otherwise than by the expiration of the term, and in case of a failure by the people to elect, the Judge of the Superior Court for the county shall appoint to fill the vacancy until an election can be regularly held.

SEC. 30. In case the General Assembly shall establish other Courts inferior to the Supreme Court, the presiding officers and clerks thereof shall be elected in such manner as the General Assembly may from time to time prescribe, and they shall hold their offices for a term not exceeding eight years.

SEC. 31. Any Judge of the Supreme Court or of the Superior Courts, and the presiding officers of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability upon a concurrent resolution of two-thirds of both Houses of the General Assembly. The Judge or presiding officer, against whom the General Assembly may be about to proceed, shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either House of the General Assembly shall act thereon.

SEC. 32. Any Clerk of the Supreme Court, or of the Superior Courts, or of such Courts inferior to the Supreme Court as may be established by law, may be removed from office for mental or physical inability; the Clerk of the Supreme Court by the Judges of said Court, the Clerks of the Superior Courts by the Judge riding the district, and the Clerks of such Courts inferior to the Supreme Court as may be established by law by the presiding officers of said Courts. The clerk against whom proceedings are instituted shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least ten days before the day appointed to act thereon, and the clerk shall be entitled to an appeal to the next term of the Superior Court, and thence to the Supreme Court as provided in other cases of appeals.

SEC. 33. The amendments made to the Constitution of North Carolina by this Convention shall not have the effect to vacate any office or term of office now existing under the Constitution of the State and filled or held by virtue of any election or appointment under the said Constitution and the laws of the State made in pursuance thereof.

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The Commissioners of the several counties may exempt from capitation tax in special cases, on account of property and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

SEC. 2. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises, and incomes: Provided, that no income shall be taxed when the property from which the income is derived is taxed.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

SEC. 5. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers, libraries, and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

SEC. 6. The taxes levied by the commissioners of the several counties for county purposes shall be levied in like manner with the State taxes, and shall never exceed the double of the State tax, except for a special purpose, and with the special approval of the General Assembly.

SEC. 7. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

ARTICLE VI.[6]

SUFFRAGE AND ELIGIBILITY TO OFFICE.

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district in which he offers to vote, four months next preceding the election: Provided, that removal from one precinct, ward or other election district, to another in the same county, shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open Court upon indictment, of any crime, the punishment of which now is or may hereafter be imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

SEC. 3. Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, sec. 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State

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[6] The whole of Article VI is an amendment; it was proposed by the general assembly of 1899, and by the special session of 1900, and was ratified on Nov. 6, 1900. The text of the original article is as follows: Section 1. Every male person, born in the United States, and every male person who has been naturalized, twenty-one years old or upward, who shall have resided in the State twelve months next preceding the election, and ninety days in the county in which he offers to vote, shall be deemed a qualified elector. But no person, who, upon conviction or confession in open Court, shall have been adjudged guilty of felony, or of any other crime infamous by the laws of this State, and hereafter committed, shall be deemed an elector, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Sec. 2. It shall be the duty of the General Assembly to provide, from time to time, for the registration of all electors; and no person shall be allowed to vote without registration, or to register, without first taking an oath or affirmation to support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith.

Sec. 3. All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce.

Sec. 4. Every voter, except as hereinafter provided, shall be eligible to office; but before entering upon the discharge of the duties of his office, he shall take and subscribe the following oath:

"I, ————————, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office. So help me God."

Sec. 5. The following classes of persons shall be disqualified for office: First, persons who shall deny the being of Almighty God. Second, All persons who shall have been convicted of treason, perjury, or of any other infamous crime, since becoming citizens of the United States, or of corruption, or malpractice in office, unless such person shall have been legally restored to the rights of citizenship.

unless disqualified under section 2 of this article: Provided, such person shall have paid his poll tax as above required.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together.

SEC. 6. All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce.

SEC. 7. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, ————, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ————. So help me, God."

SEC. 8. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

SEC. 9. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

ARTICLE VII.

MUNICIPAL CORPORATIONS.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A Treasurer, Register of Deeds, Surveyor and five Commissioners.

SEC. 2. It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The Register of Deeds shall be, ex officio, Clerk of the Board of Commissioners.

SEC. 3. It shall be the duty of the Commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the names of said districts, and to report the same to the General Assembly before the first day of January, 1869.

SEC. 4. Upon the approval of the reports provided for in the foregoing section by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government, and shall be known as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a Clerk and two Justices of the Peace, who shall constitute a Board of Trustees, and shall, under the supervision of the County Commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a large number of the Justices of the Peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a School Committee, consisting of three persons, whose duties shall be prescribed by law.

SEC. 6. The Township Board of Trustees shall assess the taxable property of their townships and make return to the County Commissioners for revision, as may be prescribed by law. The Clerk shall be, ex officio, Treasurer of the township.

SEC. 7. No county, city, or town or other municipal corporation shall con-

tract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein.

SEC. 8. No money shall be drawn from any county or township treasury except by authority of law.

SEC. 9. All taxes levied by any county, city, town or township shall be uniform and ad valorem upon all property in the same, except property exempted by this Constitution.

SEC. 10. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this Constitution by the Congress of the United States.

SEC. 11. The Governor shall appoint a sufficient number of Justices of the Peace in each county, who shall hold their places until sections four, five and six of this article shall have been carried into effect.

SEC. 12. All charters, ordinances, and provisions relating to municipal corporations shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

SEC. 13. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

SEC. 14. The General Assembly shall have full power by statute to modify, change or abrogate any and all of the provisions of this article and substitute others in their place, except sections seven, nine and thirteen.

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. No corporation shall be created nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.[7]

SEC. 2. Dues from corporations shall be secured by such individual liabilities of the corporations and other means as may be prescribed by law.

SEC. 3. The term "corporation," as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts in like cases as natural persons.

SEC. 4. It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.[8]

ARTICLE IX.

EDUCATION.

SECTION 1. Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution shall provide by taxation and otherwise for a general and uniform system o

[7] Amendment proposed by the general assembly of 1915 and ratified on Nov. 7, 1916.

[8] Amendment proposed by the general assembly of 1915 and ratified on Nov. 7, 1916. The amendment inserted the words "by general laws" after the word "provide."

public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

SEC. 3. Each county of the State shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least four months in every year; and if the Commissioners of any county shall fail to comply with the aforesaid requirements of this section they shall be liable to indictment.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State Treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

SEC. 5. All moneys, stocks, bonds and other property belonging to a county school fund, also the net proceeds from the sale of estrays, also the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal or military laws of the State, and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: Provided, that the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

SEC. 6. The General Assembly shall have power to provide for the election of Trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise granted to or conferred upon the Trustees of said University, and the General Assembly may make such provisions, laws and regulations from time to time as may be necessary and expedient for the maintenance and management of said University.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

SEC. 8. The Governor, Lieutenant-Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction and Attorney-General shall constitute a State Board of Education.

SEC. 9. The Governor shall be President and the Superintendent of Public Instruction shall be Secretary of the Board of Education.

SEC. 10. The Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said Board may be altered, amended or repealed by the General Assembly, and when so altered, amended or repealed they shall not be reënacted by the Board.

SEC. 11. The first session of the Board of Education shall be held at the capital of the State within fifteen days after the organization of the State Government under this Constitution; the time of future meetings may be determined by the Board.

SEC. 12. A majority of the Board shall constitute a quorum for the transaction of business.

SEC. 13. The contingent expenses of the Board shall be provided by the General Assembly.

SEC. 14. As soon as practicable after the adoption of this Constitution the General Assembly shall establish and maintain in connection with the University a department of agriculture, of mechanics, of mining and of normal instruction.

SEC. 15. The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the ages of six and eighteen years for a term of not less than sixteen months, unless educated by other means.

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

SECTION 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be and is hereby exempted from sale under execution or other final process of any court issued for the collection of any debt.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

SEC. 3. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of his children or any one of them.

SEC. 4. The provisions of sections one and two of this article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises.

SEC. 5. If the owner of a homestead die, leaving a widow but no children, the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she be the owner of a homestead in her own right.

SEC. 6. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried.

SEC. 7. The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband the amount thus insured shall be paid over to the wife and children, or to the guardian if under age, for her or their own use, free from all the claims of the representatives of her husband or any of his creditors.

SEC. 8. Nothing contained in the foregoing sections of this article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the voluntary signature and assent of his wife, signified on her private examination according to law.

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, re-

moval from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: Provided, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board or some officer of this State.

SEC. 2. The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or Penitentiary at some central and accessible point within the State.

SEC. 4. The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

SEC. 5. A House or Houses of Refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.

SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city ~~and~~ prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

SEC. 7. Beneficent provision for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses, where destitute orphans may be cared for, educated and taught some business or trade.

SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

SEC. 10. The General Assembly may provide that the indigent deaf-mute, blind and insane of the State shall be cared for at the charge of the State.[9]

SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

SECTION 1. All able-bodied male citizens of the State of North Carolina, between the ages of twenty-one and forty years, who are citizens of the United States, shall be liable to duty in the militia: Provided, that all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

SEC. 2. The General Assembly shall provide for the organizing, arming, equipping and discipline of the militia, and for paying the same, when called into active service.

SEC. 3. The Governor shall be commander-in-chief, and shall have power

[9] Amendment proposed by the general assembly of 1879 and ratified on Nov. 2, 1880. The text of the original section is as follows: Section 10. The General Assembly shall provide, that all the deaf mutes, the blind, and the insane of the State, shall be cared for at the charge of the State.

to call out the militia to execute the law, suppress riots or insurrections, and to repel invasion.

SEC. 4. The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the militia.

ARTICLE XIII.

AMENDMENTS.

SECTION 1. No convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said convention, it shall assemble on such day as may be prescribed by the General Assembly.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the Constitution of the State.

ARTICLE XIV.

MISCELLANEOUS.

SECTION 1. All indictments which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon in the proper Courts, but no punishment shall be inflicted which is forbidden by this Constitution.

SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

SEC. 3. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.

SEC. 6. The seat of government in this State shall remain at the city of Raleigh.

SEC. 7. No person, who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State or Government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, Justices of the Peace, Commissioners of Public Charities, or commissioners for special purposes.

SEC. 8. All marriages between a white person and a negro, or between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.

CONSTITUTION OF NORTH DAKOTA—1889.*

We, the people of North Dakota, grateful to Almighty God for the blessings of civil and religious liberty, do ordain and establish this constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and reputation; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have a right to alter or reform the same whenever the public good may require.

SEC. 3. The state of North Dakota is an inseparable part of the American union and the constitution of the United States is the supreme law of the land.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be forever guaranteed in this state, and no person shall be rendered incompetent to be a witness or juror on account of his opinion on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this state.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evidence or the presumption great. Excessive bail shall not be required, nor excessive fines, imposed, nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor be confined in any room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but a jury in civil cases, in courts not of record, may consist of less than twelve men, as may be prescribed by law.

SEC. 8. Until otherwise provided by law, no person shall for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger. In all other cases offenses shall be prosecuted criminally by indictment or information. The legislative assembly may change, regulate or abolish the grand jury system.

SEC. 9. Every man may freely write, speak and publish his opinions on all subjects, being responsible for the abuse of that privilege. In all civil and criminal trials for libel the truth may be given in evidence, and shall be sufficient defense when the matter is published with good motives and for justifiable ends; and the jury shall have the same power of giving a general verdict as in other cases; and in all indictments or informations for libels the jury shall have the right to determine the law and the facts under the direction of the court, as in other cases.

SEC. 10. The citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the powers of the government for the redress of grievances, or for other purposes, by petition, address or remonstrance.

* The convention which drafted the constitution of North Dakota assembled at Bismarck on July 4 and adjourned on Aug. 17, 1889. On Oct. 1, 1889, the electors voted on the adoption or rejection of the constitution as a whole and upon the ratification of Article 20, concerning Prohibition. The constitution was ratified by a vote of 17,441 to 8,107. The constitution became effective on Nov. 2, 1889, the day on which the President's proclamation admitting North Dakota to the Union was issued.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be maintained by this state in time of peace, and no soldiers shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 13. In criminal prosecutions in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf; and to appear and defend in person and with counsel. No person shall be twice put in jeopardy for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having been first made to or paid into court for the owner and no right of way shall be appropriated to the use of any corporation, other than municipal, until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived.

SEC. 15. No person shall be imprisoned for debt unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law; or in cases of tort; or where there is strong presumption of fraud.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this state.

SEC. 18. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 19. Treason against the state shall consist only in levying war against it, adhering to its enemies or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 20. No special privileges or immunities shall ever be granted which may not be altered, revoked or repealed by the legislative assembly; nor shall any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.

SEC. 21. The provisions of this constitution are mandatory and prohibitory unless, by express words, they are declared to be otherwise.

SEC. 22. All courts shall be open, and every man for any injury done him in his lands, goods, person or reputation shall have remedy by due process of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner, in such courts and in such cases as the legislative assembly may, by law, direct.

SEC. 23. Every citizen of this state shall be free to obtain employment wherever possible, and any person, corporation, or agent thereof, maliciously interfering or hindering in any way, any citizen from obtaining or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a misdemeanor.

SEC. 24. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SEC. 25. The legislative authority of the state of North Dakota shall be vested in a legislative assembly consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and to enac

or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls, any act, item, section or part of any act or measure passed by the legislative assembly. The first power reserved by the people is the initiative, or the power to propose measures for enactment into laws, and at least ten per cent of the legal voters to be secured in a majority of the counties of the state shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than thirty days before any regular session of the legislative assembly; he shall transmit the same to the legislative assembly as soon as it convenes. Such initiative measure shall take precedence over all other measures in the legislative assembly except appropriation bills, and shall be either enacted or rejected without change or amendment by the legislative assembly within forty days. If any such initiative measure shall be enacted by the legislative assembly it shall be subject to referendum petition, or it may be referred by the legislative assembly to the people for approval or rejection. If it is rejected or no action is taken upon it by the legislative assembly within said forty days, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislative assembly may reject any measure so proposed by initiative petition and propose a different one to accomplish the same purpose, and in any such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular election. If conflicting measures submitted to the people at the next ensuing election shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become valid, and the other shall thereby be rejected. The second power is the referendum, or the power to order any act, item, or part of any act to be referred to the people for their approval or rejection at the polls, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), as to any measure or any parts, items or sections of any measures passed by the legislative assembly either by a petition signed by ten per cent of the legal voters of the state from a majority of the counties, or by the legislative assembly, if a majority of the members elect vote therefor. When it is necessary for the immediate preservation of the public peace, health or safety that a law shall become effective without delay, such necessity and the facts creating the same shall be stated in one section of the bill, and if upon aye and no vote in each house two-thirds of all the members elected to each house shall vote on a separate roll call in favor of the said law going into instant operation for the immediate preservation of the public peace, health or safety, such law shall become operative upon approval by the governor.

The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislative assembly which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at biennial regular elections, except as provision may be made by law for a special election or elections. Any measure referred to the people shall take effect when it is approved by a majority of the votes cast thereon and not otherwise, and shall be in force from the date of the official declaration of the vote.

The enacting clause of all the initiative bills shall be, "Be it enacted by the people of the state of North Dakota." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes for secretary of state at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted.

Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state, and in submitting the same to the people he and all other officers shall be guided by the general laws and the act submitting this amendment until legislation shall be specially provided therefor.

This amendment shall be self executing, but legislation may be enacted to facilitate its operation.[1]

SEC. 26. The senate shall be composed of not less than thirty nor more than fifty members.

SEC. 27. Senators shall be elected for the term of four years, except as hereinafter provided.

SEC. 28. No person shall be a senator who is not a qualified elector in the district in which he may be chosen, and who shall not have attained the age of twenty-five years, and have been a resident of the state or territory for two years next preceding his election.

SEC. 29. The legislative assembly shall fix the number of senators, and divide the state into as many senatorial districts as there are senators, which districts, as nearly as may be, shall be equal to each other in the number of inhabitants entitled to representation. Each district shall be entitled to one senator and no more, and shall be composed of compact and contiguous territory; and no portion of any county shall be attached to any other county, or part thereof, so as to form a district. The districts as thus ascertained and determined shall continue until changed by law.

SEC. 30. The senatorial districts shall be numbered consecutively from one upwards, according to the number of districts prescribed, and the senators shall be divided into two classes. Those elected in the districts designated by even numbers shall constitute one class, and those elected in districts designated by odd numbers shall constitute the other class. The senators in one class elected in the year 1890 shall hold their office for two years, those of the other class shall hold their office four years, and the determination of the two classes shall be by lot, so that one-half of the senators, as nearly as practicable, may be elected biennially.

SEC. 31. The senate at the beginning and close of each regular session and at such other times as may be necessary, shall elect one of its members president pro tempore, who may take the place of the lieutenant governor under rules prescribed by law.

SEC. 32. The house of representatives shall be composed of not less than sixty nor more than one hundred and forty members.

SEC. 33. Representatives shall be elected for the term of two years.

SEC. 34. No person shall be a representative who is not a qualified elector in the district from which he may be chosen, and who shall not have attained the age of twenty-one years, and have been a resident of the state or territory for two years next preceding his election.

SEC. 35. The members of the house of representatives shall be apportioned to and elected at large from each senatorial district. The legislative assembly shall, in the year 1895, and every tenth year, cause an enumeration to be made of all the inhabitants of this state, and shall at its first regular session after each enumeration, and also after each federal census, proceed to fix by law the number of senators which shall constitute the senate of North Dakota, and the number of representatives which shall constitute the house of representatives of North Dakota, within the limits prescribed by this constitution, and at the same session shall proceed to reapportion the state into senatorial districts as prescribed by this constitution, and to fix the number of members of the house of representatives to be elected from the several senatorial districts: provided, that the legislative assembly may, at any regular session, redistrict the state into senatorial districts and apportion the senators and representatives respectively.

SEC. 36. The house of representatives shall elect one of its members to speaker.

SEC. 37. No judge or clerk of any court, secretary of state, attorney gen-

[1] Amendment proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913 and ratified at the election of Nov. 3, 1914.

eral, register of deeds, sheriff or person holding any office of profit under this state, except in the militia, or the office of attorney at law, notary public or justice of the peace, and no person holding any office of profit or honor under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of $300, shall hold any office in either branch of the legislative assembly or become a member thereof.

SEC. 38. No member of the legislative assembly expelled for corruption, and no person convicted of bribery, perjury or other infamous crime, shall be eligible to the legislative assembly, or to any office in either branch thereof.

SEC. 39. No member of the legislative assembly shall, during the term for which he was elected, be appointed or elected to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected; nor shall any member receive any civil appointment from the governor, or governor and senate, during the term for which he shall have been elected.

SEC. 40. If any person elected to either house of the legislative assembly shall offer or promise to give his vote or influence in favor of or against any measures or proposition pending or proposed to be introduced into the legislative assembly, in consideration, or upon conditions, that any other person elected to the same legislative assembly will give, or will promise or assent to give, his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislative assembly, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislative assembly shall give his vote or influence for or against any measure or proposition, pending or proposed to be introduced into such legislative assembly, or offer, promise or assent so to do upon condition that any other member will give, promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislative assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such legislative assembly, he shall be deemed guilty of bribery. And any person, member of the legislative assembly or person elected thereto, who shall be guilty of either such offenses, shall be expelled, and shall not thereafter be eligible to the legislative assembly, and on the conviction thereof, in the civil courts, shall be liable to such further penalty as may be prescribed by law.

SEC. 41. The term of service of the members of the legislative assembly shall begin on the first Tuesday in January, next after their election.

SEC. 42. The members of the legislative assembly shall in all cases except treason, felony and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to or returning from the same. For words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 43. Any member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house.

SEC. 44. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislative assembly.

SEC. 45. Each member of the legislative assembly shall receive as a compensation for his services for each session, five dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly on the most usual route.

SEC. 46. A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such a penalty as may be prescribed by law.

SEC. 47. Each house shall be the judge of the election returns and the qualifications of its own members.

SEC. 48. Each house shall have the power to determine the rules of pro-

ceeding, and punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers o bribes or private solicitation, and with the concurrence of two-thirds, to expe a member; and shall have all other powers necessary and usual in the legis lative assembly of a free state. But no imprisonment by either house shal continue beyond thirty days. Punishment for contempt or disorderly behavio shall not bar a criminal prosecution for the same offense.

SEC. 49. Each house shall keep a journal of its proceedings, and the yea and nays on any question shall be taken and entered on the journal at th request of one-sixth of those present.

SEC. 50. The sessions of each house and of the committee of the whol shall be open unless the business is such as ought to be kept secret.

SEC. 51. Neither house shall, without the consent of the other, adjourn fo more than three days nor to any other place than that in which the tw houses shall be sitting, except in the case of epidemic, pestilence or othe great danger.

SEC. 52. The senate and house of representatives jointly shall be designate as the legislative assembly of the state of North Dakota.

SEC. 53. The legislative assembly shall meet at the seat of governmen at 12 o'clock noon on the first Tuesday after the first Monday in January in the year next following the election of the members thereof.

SEC. 54. In all elections to be made by the legislative assembly, or eithe house thereof, the members shall vote viva voce, and their votes shall b entered in the journal.

SEC. 55. The sessions of the legislative assembly shall be biennial, excep as otherwise provided in this constitution.

SEC. 56. No regular session of the legislative assembly shall exceed sixt days, except in case of impeachment, but the first session of the legislativ assembly may continue for a period of one hundred and twenty days.

SEC. 57. Any bill may originate in either house of the legislative assembly and a bill passed by one house may be amended by the other.

SEC. 58. No law shall be passed except by a bill adopted by both house and no bill shall be so altered and amended on its passage through either hous as to change its original purpose.

SEC. 59. The enacting clause of every law shall be as follows: "Be i enacted by the Legislative Assembly of the State of North Dakota."

SEC. 60. No bill for the appropriation of money, except for the expense of the government, shall be introduced after the fortieth day of the session, ex cept by unanimous consent of the house in which it is sought to be introduced.

SEC. 61. No bill shall embrace more than one subject, which shall b expressed in its title, but a bill which violates this provision shall be inval dated thereby only as to so much thereof as shall not be so expressed.

SEC. 62. The general appropriation bill shall embrace nothing but appro priations for the expenses of the executive, legislative and judicial department of the state, interest on the public debt and for public schools. All other ap propriations shall be made by separate bills, each embracing but one subject.

SEC. 63. Every bill shall be read through three times, but the first an second readings, and those only, may be upon the same day; and the secon reading may be by title of the bill unless a reading at length be demande The first and third readings shall be at length. No legislative day shall b shorter than the natural day.

SEC. 64. No bill shall be revised or amended, nor the provisions there extended or incorporated in any other bill by reference to its title only, bu so much thereof as is revised, amended or extended or so incorporated shall b reenacted and published at length.

SEC. 65. No bill shall become a law except by a vote of a majority of a the members-elect in each house, nor unless, on its final passage, the vote b taken by yeas and nays, and the names of those voting be entered on th journal.

SEC. 66. The presiding officer of each house shall, in the presence of th house over which he presides, sign all bills and joint resolutions passed by th

egislative assembly; immediately before such signing their title shall be publicly read and the fact of signing shall be at once entered on the journal.

SEC. 67. No act of the legislative assembly shall take effect until July 1, after the close of the session, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislative assembly shall, by a vote of two-thirds of all the members present in each house, otherwise direct.

SEC. 68. The legislative assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

SEC. 69. The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

1. For granting divorces.
2. Laying out, opening, altering, or working roads or highways, vacating roads, town plats, streets, alleys or public grounds.
3. Locating or changing county seats.
4. Regulating county or township affairs.
5. Regulating the practice of courts of justice.
6. Regulating the jurisdiction and duties of justices of the peace, police magistrates or constables.
7. Changing the rules of evidence in any trial or inquiry.
8. Providing for changes of venue in civil or criminal cases.
9. Declaring any person of age.
10. For limitation of civil actions, or giving effect to informal or invalid deeds.
11. Summoning or impaneling grand or petit juries.
12. Providing for the management of common schools.
13. Regulating the rate of interest on money.
14. The opening or conducting of any election or designating the place of voting.
15. The sale or mortgage of real estate belonging to minors or others under disability.
16. Chartering or licensing ferries, toll bridges or toll roads.
17. Remitting fines, penalties or forfeitures.
18. Creating, increasing or decreasing fees, percentages or allowances of public officers.
19. Changing the law of descent.
20. Granting to any corporation, association or individual the right to lay down railroad tracks or any special or exclusive privilege, immunity or franchise whatever.
21. For the punishment of crimes.
22. Changing the names of persons or places.
23. For the assessment or collection of taxes.
24. Affecting estates of deceased persons, minors or others under legal disability.
25. Extending the time for collection of taxes.
26. Refunding money into the state treasury.
27. Relinquishing or extinguishing in whole or in part the indebtedness, liability or obligation of any corporation or person to this state or to any municipal corporation therein.
28. Legalizing, except as against the state, the unauthorized or invalid act of any officer.
29. Exempting property from taxation.
30. Restoring to citizenship persons convicted of infamous crimes.
31. Authorizing the creation, extension or impairing of liens.
32. Creating offices, or prescribing the powers or duties of officers in counties, cities, townships, election or school districts, or authorizing the adoption or legitimation of children.
33. Incorporation of cities, town or villages, or changing or amending the charter of any town, city or village.
34. Providing for the election of members of the board of supervisors in townships, incorporated towns or cities.

35. The protection of game or fish.

SEC. 70. In all other cases where a general law can be made applicable, n special law shall be enacted; nor shall the legislative assembly indirectly enac such special or local law by the partial repeal of a general law, but laws repeal ing local or special acts may be passed.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SEC. 71. The executive power shall be vested in a governor, who shal reside at the seat of government and shall hold his office for the term of tw years and until his successor is elected and duly qualified.

SEC. 72. A lieutenant governor shall be elected at the same time and fo the same term as the governor. In case of the death, impeachment, resigna tion, failure to qualify, absence from the state, removal from office, or th disability of the governor, the powers and duties of the office, for the residu of the term, or until he shall be acquitted or the disability removed, sha devolve upon the lieutenant governor.

SEC. 73. No person shall be eligible to the office of governor or lieutenan governor unless he be a citizen of the United States, and a qualified electo of the state, who shall have attained the age of thirty years, and who sha have resided five years next preceding the election within the state or terr tory, nor shall he be eligible to any other office during the term for which h shall have been elected.

SEC. 74. The governor and lieutenant governor shall be elected by th qualified electors for the state at the time and places of choosing members o the legislative assembly. The persons having the highest number of votes fo governor and lieutenant governor respectively shall be declared elected, but two or more shall have an equal and highest number of votes for governo or lieutenant governor, the two houses of the legislative assembly at its nex regular session shall forthwith, by joint ballot, choose one of such person for said office. The returns of the election for governor and lieutenant governo shall be made in such manner as shall be prescribed by law.

SEC. 75. The governor shall be commander-in-chief of the military an naval forces of the state, except when they shall be called into the servic of the United States, and may call out the same to execute the laws, suppres insurrection and repel invasion. He shall have power to convene the legislativ assembly on extraordinary occasions. He shall at the commencement of eac session communicate to the legislative assembly, by message, information o the condtiion of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of th government, civil and military. He shall expedite all such measures as ma be resolved upon by the legislative assembly and shall take care that the law be faithfully executed.

SEC. 76. The governor shall have power in conjunction with the boar of pardons, of which the governor shall be ex-officio a member and the othe members of which shall consist of the attorney general of the state of Nor Dakota, the chief justice of the supreme court of the state of North Dako and two qualified electors who shall be appointed by the governor to rem fines and forfeitures, to grant reprieves, commutations and pardons after co viction for all offenses except treason and cases of impeachment; but th legislative assembly may by law regulate the manner in which the remissio of fines, pardons, commutations and reprieves may be applied for. Upon co viction of treason the governor shall have the power to suspend the exec tion of sentence until the case shall be reported to the legislative assembly at i next regular session, when the legislative assembly shall either pardon or com mute the sentence, direct the execution of the sentence or grant further r prieve. The governor shall communicate to the legislative assembly at eac regular session each case of remission of fine, reprieve commutation or pardo granted by the board of pardons, stating the name of the convict, the crim for which he is convicted, the sentence and its date and the date of remi

sion, commutation, pardon or reprieve, with their reasons for granting the same.[2]

SEC. 77. The lieutenant governor shall be president of the senate, but shall have no vote unless they be equally divided. If, during a vacancy in the office of governor, the lieutenant governor shall be impeached, displaced, resign or die, or from mental or physical disease, or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

SEC. 78. When any office shall from any cause become vacant and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill such vacancy by appointment.

SEC. 79. Every bill which shall have passed the legislative assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign, but if not, he shall return it with his objections, to the house in which it originated, which shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members-elect shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members-elect, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law unless the legislative assembly, by its adjournment, prevent its return, in which case it shall be law unless he shall file the same with his objections in the office of the secretary of state within fifteen days after such adjournment.

SEC. 80. The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void, unless enacted in the following manner: If the legislative assembly be in session he shall transmit to the house in which the bill originated a copy of the item or items, or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 81. Any governor of this state who asks, receives or agrees to receive, any bribe upon any understanding that his official opinion, judgment or action, shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislative assembly shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislative assembly, or who threatens any member that he, the said governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member, shall be punished in the manner now, or that may hereafter, be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state.

SEC. 82. There shall be chosen by the qualified electors of the state, at the times and places of choosing members of the legislative assembly, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three commissioners of railroads, an attorney general and one commissioner of agriculture and labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of govern-

[2] Amendment proposed and adopted by the legislature of 1897, re-adopted by the legislature of 1899, and ratified at the election of Nov. 6, 1900.

ment, for the term of two years and until their successors are elected and dul qualified, but no person shall be eligible to the office of treasurer for more tha two consecutive terms.

SEC. 83. The powers and duties of the secretary of state, auditor, treasure superintendent of public instruction, commissioner of insurance, commissioners o railroads, attorney general and commissioner of agriculture and labor shall b as prescribed by law.

SEC. 84. Until otherwise provided by law, the governor shall receive a annual salary of three thousand dollars; the lieutenant governor shall receiv an annual salary of one thousand dollars; the secretary of state, auditor, trea urer, superintendent of public instruction, commissioner of insurance, commi sioners of railroads, and attorney general shall each receive an annual salar of two thousand dollars; the salary of the commissioner of agriculture ar labor shall be as prescribed by law, but the salaries of any of the said office shall not be increased or diminished during the period for which they sha have been elected, and all fees and profits arising from any of the said offic shall be covered into the state treasury.

ARTICLE IV.

JUDICIAL DEPARTMENT.

SEC. 85. The judicial power of the state of North Dakota shall be veste in a supreme court, district courts, county courts, justices of the peace, and such other courts as may be created by law for cities, incorporated towns a villages.

SEC. 86. The supreme court, except as otherwise provided in this constit tion, shall have appellate jurisdiction only, which shall be co-extensive with t state and shall have a general superintending control over all inferior cour under such regulations and limitations as may be prescribed by law.

SEC. 87. It shall have power to issue writs of habeas corpus, mandamu quo warranto, certiorari, injunction and such other original and remedial wri as may be necessary to the proper exercise of its jurisdiction, and shall ha authority to hear and determine the same; provided, however, that no jury tri shall be allowed in said supreme court, but in proper cases questions of fa may be sent by said court to a district court for trial.

SEC. 88. Until otherwise provided by law three terms of the supreme cou shall be held each year, one at the seat of government, one at Fargo in t County of Cass, and one at Grand Forks, in the County of Grand Forks.[3]

SEC. 89. The supreme court shall consist of five judges, a majority of wh shall be necessary to form a quorum or pronounce a decision; but one or mo of said judges may adjourn the court from day to day or to a day certain.[4]

SEC. 90. The judges of the supreme court shall be elected by the qualifi electors of the state at large, and except as may be otherwise provided here for the first election for judges under this constitution, said judges shall elected at general elections.

SEC. 91. The term of office of the judges of the supreme court except in this article otherwise provided, shall be six years, and they shall hold th offices until their successors are duly qualified.

SEC. 92. The judges of the supreme court shall, immediately after t first election under this constitution, be classified by lot so that one shall h his office for the term of three years, one for the term of five years, and o for the term of seven years from the first Monday in December, A. D. 18 The lots shall be drawn by the judges, who shall for that purpose assem at the seat of government, and they shall cause the result thereof to be certif to the secretary of state of the territory and filed in his office, unless the sec tary of state of North Dakota shall have entered upon the duties of his offi

[3] By virtue of the provisions of an act of the legislature of 1909, two general ter of the supreme court are held at the seat of government, known as the April a October terms, and only special terms are held in cities other than Bismarck, up twenty days' previously published notice.

[4] Amendment proposed and adopted by the legislature of 1905, re-adopted by t legislature of 1907, and ratified at the election of Nov. 3, 1908. The amendment creased the number of judges from "three" to "five."

in which event said certification shall be filed therein. The judge having the shortest term to serve, not holding his office by election or appointment to fill a vacancy, shall be chief justice and shall preside at all terms of the supreme court, and in case of his absence the judge having in like manner the next shortest term to serve shall preside in his stead.

SEC. 93. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judge thereof, and who shall hold their offices during the pleasure of said judges, and whose duty and emoluments shall be prescribed by law and by rules of the supreme court not inconsistent with law. The legislative assembly shall make provision for the publication and distribution of the decisions of the supreme court and for the sale of the published volumes thereof.

SEC. 94. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or the territory of Dakota three years next preceding his election.

SEC. 95. Whenever the population of the state of North Dakota shall equal 600,000 the legislative assembly shall have the power to increase the number of judges of the supreme court to five, in which event a majority of said court, as thus increased, shall constitute a quorum.[5]

SEC. 96. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

SEC. 97. The style of all process shall be "The State of North Dakota." All prosecutions shall be carried on in the name and by the authority of the State of North Dakota, and conclude "against the peace and dignity of the State of North Dakota."

SEC. 98. Any vacancy happening by death, resignation or otherwise in the office of judge of the supreme court shall be filled by appointment, by the governor, which appointment shall continue until the first general election thereafter, when said vacancy shall be filled by election.

SEC. 99. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected.

SEC. 100. In case a judge of the supreme court shall be in any way interested in a cause brought before said court the remainnig judges of said court shall call one of the district judges to sit with them in the hearing of said cause.

SEC. 101. When a judgment or decree is reversed or confirmed by the supreme court every point fairly arising upon the record of the case shall be considered and decided, and the reasons therefor shall be concisely stated in writing signed by the judges concurring, filed in the office of the clerk of the supreme court, and preserved with a record of the case. Any judge dissenting therefrom may give the reasons of his dissent in writing over his signature.

SEC. 102. It shall be the duty of the court to prepare a syllabus of the points adjudicated in each case, which shall be concurred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.

SEC. 103. The district courts shall have original jurisdiction, except as otherwise provided in this constitution, of all causes both in law and equity, and such appellate jurisdiction as may be conferred by law. They and the judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, quo warranto, certiorari, injunction and other original and remedial writs, with authority to hear and determine the same.

SEC. 104. The state shall be divided into six judicial districts, in each of which there shall be elected at general elections by the electors thereof one judge of the district court therein whose term of office shall be four years from the first Monday in January succeeding his election and until his suc-

[5] The number of supreme judges was increased to five by an amendment adopted in 1908. See Note No. 4.

cessor is duly qualified. This section shall not be construed as governing the first election of district judges under this constitution.

SEC. 105. Until otherwise provided by law, said districts shall be constituted as follows:

District No. 1 shall consist of the counties of Pembina, Cavalier, Walsh, Nelson and Grand Forks.

District No. 2 shall consist of the counties of Ramsey, Towner, Benson, Pierce, Rolette, Bottineau, McHenry, Church, Renville, Ward, Stevens, Mountrail, Garfield, Flannery and Buford.

District No. 3 shall consist of the counties of Cass, Steele and Traill.

District No. 4 shall consist of the counties of Richland, Ransom, Sargent, Dickey and McIntosh.

District No. 5 shall consist of the counties of Logan, La Moure, Stutsman, Barnes, Wells, Foster, Eddy and Griggs.

District No. 6 shall consist of the counties of Burleigh, Emmons, Kidder, Sheridan, McLean, Morton, Oliver, Mercer, Williams, Stark, Hettinger, Bowman, Billings, McKenzie, Dunn, Wallace and Allred, and that portion of the Sioux Indian reservation lying north of the seventh standing parallel.[6]

SEC. 106. The legislative assembly may, whenever two-thirds of the members of each house shall concur therein, but not oftener than once in four years, increase the number of said judicial districts and the judges thereof, such districts shall be formed from compact territory and bounded by county lines, but such increase or change in the boundaries of the districts shall not work the removal of any judge from his office during the term for which he may have been elected or appointed.

SEC. 107. No person shall be eligible to the office of district judge, unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States, nor unless he shall have resided within the state or territory of Dakota at least two years next preceding his election, nor unless he shall at the time of his election be an elector within the judicial district for which he is elected.

SEC. 108. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected by the qualified electors of the county, and shall hold his office for the same term as other county officers. He shall receive such compensation for his services as may be prescribed by law.

SEC. 109. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme court under such regulations as may be prescribed by law.

COUNTY COURTS.

SEC. 110. There shall be established in each county a county court which shall be a court of record, open at all times and holden by one judge, elected by the electors of the county, and whose term of office shall be two years.

SEC. 111. The county court shall have exclusive original jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators and guardians, the sale of lands, by executors, administrators and guardians, and such other probate jurisdiction as may be conferred by law; provided, that whenever the voters of any county having a population of 2,000 or over shall decide by majority vote that they desire the jurisdiction of said court increased above

[6] The first district now comprises the counties of Grand Forks and Nelson; the second district comprises the counties of Benson, Eddy, Ramsey, Rolette and Towner; the third district comprises the counties of Cass, Steele and Traill; the fourth district comprises the counties of Dickey, McIntosh, Ransom, Richland and Sargent; the fifth district comprises the counties of Barnes, Foster, Griggs, LaMoure, Stutsman and Wells; the sixth district comprises the counties of Burleigh, Emmons, Kidder, Logan, McLean and Sheridan; the seventh district comprises the counties of Cavalier, Pembina and Walsh; the eighth district comprises the counties of Burke, Divide, Renville and Ward; the ninth district comprises the counties of Bottineau, McHenry and Pierce; the tenth district comprises the counties of Adams, Billings, Bowman, Dunn, Golden Valley, Hettinger and Stark; the eleventh district comprises the counties of Mountrail, McKenzie and Williams; the twelfth district comprises the counties of Mercer, Morton and Oliver.

that limited by this constitution, then said county court shall have concurrent jurisdiction with the district courts in all civil actions where the amount in controversy does not exceed $1,000, and in all criminal actions below the grade of felony, and in case it is decided by the voters of any county to so increase the jurisdiction of said county court, the jurisdiction in cases of misdemeanors arising under state laws which may have been conferred upon police magistrates shall cease. The qualifications of the judge of the county court in counties where the jurisdiction of said court shall have been increased shall be the same as those of the district judge, except that he shall be a resident of the county at the time of his election, and said county judge shall receive such salary for his services as may be provided by law. In case the voters of any county decide to increase the jurisdiction of said county courts, then such jurisdiction as thus increased shall remain until otherwise provided by law.

JUSTICES OF THE PEACE.

SEC. 112. The legislative assembly shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such a number as shall be necessary for the proper administration of justices. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions when the amount in controversy, exclusive of costs, does not exceed $200, and in counties where no county court with criminal jurisdiction exists they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come in question. The legislative assembly shall have power to abolish the office of justice of the peace and confer that jurisdiction upon judges of county courts or elsewhere.

POLICE MAGISTRATES.

SEC. 113. The legislative assembly shall provide by law for the election of police magistrates in cities, incorporated towns and villages, who in addition to their jurisdiction of all cases arising under the ordinances of said cities, towns and villages, shall be ex-officio justices of the peace of the county in which said cities, towns and villages may be located. And the legislative assembly may confer upon said police magistrates the jurisdiction to hear, try and determine all cases of misdemeanors, and the prosecutions therein shall be by information.

SEC. 114. Appeals shall lie from the county court, final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.

MISCELLANEOUS PROVISIONS.

SEC. 115. The time of holding courts in the several counties of a district shall be as prescribed by law, but at least two terms of the district court shall be held annually in each organized county, and the legislative assembly shall make provisions for attaching unorganized counties or territories to organized counties for judicial purposes.

SEC. 116. Judges of the district courts may hold court in other districts than their own under such regulations as shall be prescribed by law.

SEC. 117. No judge of the supreme or district court shall act as attorney or counselor at law.

SEC. 118. Until the legislative assembly shall provide by law for fixing the terms of court, the judges of the supreme and district courts shall fix the terms thereof.

SEC. 119. No judge of the supreme or district courts shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge. All votes or appointments for either of them for any elective or appointive office except that of judge of the supreme court, or district court, given by the legislative assembly or the people, shall be void.

SEC. 120. Tribunals of conciliation may be established with such powers and duties as shall be prescribed by law or the powers and duties of such may be conferred upon other courts of justice; but such tribunals or other courts when sitting as such shall have no power to render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference and agree to abide the judgments of such tribunals or courts.

ARTICLE V.

ELECTIVE FRANCHISE.

SEC. 121. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the state one year and in the county six months, and in the precinct ninety days next preceding any election, shall be a qualified elector at such election.

First—Citizens of the United States.

Second—Civilized persons of Indian descent, who shall have severed their tribal relations two years next preceding such election.[7]

SEC. 122. The legislative assembly shall be empowered to make further extensions of suffrage hereafter, at its discretion, to all citizens of mature age and sound mind, not convicted of crime, without regard to sex; but no law extending or restricting the right of suffrage shall be in force until adopted by a majority of the electors of the state voting at a general election.

SEC. 123. Electors shall in all cases except treason, felony, breach of the peace or illegal voting, be privileged from arrest on the days of election during their attendance at, going to and returning from such election, and no elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SEC. 124. The general elections of the state shall be biennial, and shall be held on the first Tuesday after the first Monday in November; provided, that the first general election under this constitution shall be held on the first Tuesday after the first Monday in November, A. D. 1890.

SEC. 125. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state or in the military or naval service of the United States.

SEC. 126. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of his being stationed therein.

SEC. 127. No person who is under guardianship, non compos mentis or insane, shall be qualified to vote at any election; nor any person convicted of treason or felony unless restored to civil rights; and the legislature shall by law establish an educational test as a qualification, and may prescribe penalties for failing, neglecting or refusing to vote at any general election.[8]

SEC. 128. Any woman having the qualifications enumerated in section 121 of this article, as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote for all school officers, and upon all questions pertaining solely to school matters, and be eligible to any school office.

SEC. 129. All elections by the people shall be by secret ballot subject to such regulations as shall be provided by law.

ARTICLE VI.

MUNICIPAL CORPORATIONS.

SEC. 130. The legislative assembly shall provide by general law for the organization of municipal corporations, restricting their powers as to levying taxes and assessments, borrowing money and contracting debts; and money raised by taxation, loan or assessment for any purpose shall not be diverted to any other purpose except by authority of law.

[7] Amendment proposed and adopted by the legislature of 1895, re-adopted by the legislature of 1897 and ratified at the election of Nov. 8, 1898. The amendment eliminated the provision relative to foreign born persons.

[8] Amendment proposed and adopted by the legislature of 1895, re-adopted by the legislature of 1897 and ratified at the election of Nov. 8, 1898. The provisions relative to educational tests and compulsory voting are new.

ARTICLE VII.

CORPORATIONS OTHER THAN MUNICIPAL.

SEC. 131. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such municipal, charitable, educational, penal or reformatory corporations as may be under the control of the state; but the legislative assembly shall provide by general laws for the organization of all corporations hereafter to be created, and any such law, so passed, shall be subject to future repeal or alteration.

SEC. 132. All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this constitution takes effect, shall thereafter have no validity.

SEC. 133. The legislative assembly shall not remit the forfeiture of the charter to any corporation now existing, nor alter or amend the same, nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.

SEC. 134. The exercise of the right of eminent domain shall never be abridged, or so construed as to prevent the legislative assembly from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of this state shall never be abridged, or so construed as to permit corporations to conduct their business in such a manner as to infringe the equal rights of individuals, or the general well being of the state.

SEC. 135. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 136. No foreign corporation shall do business in this state without having one or more places of business and an authorized agent or agents in the same, upon whom process may be served.

SEC. 137. No corporation shall engage in any business other than that expressly authorized in its charter.

SEC. 138. No corporation shall issue stock or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 139. No law shall be passed by the legislative assembly granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied for such purposes.

SEC. 140. Every railroad corporation organized and doing business in this state under the laws or authority thereof, shall have and maintain a public office or place in the state for the transaction of its business, where transfer of its stock shall be made and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom, the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in and by whom and the transfer of said stock; the amount of its assets and liabilities and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report under oath to the auditor of public accounts, or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislative assembly shall pass laws enforcing by suitable penalties the provisions of this section; provided, the provisions of this section shall not be so construed as to apply to foreign corporations.

SEC. 141. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a parallel or competing

line; and in no case shall any consolidation take place except upon public notice given at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section by any railroad corporation by lease or otherwise, shall work a forfeiture of its charter.

SEC. 142. Railways heretofore constructed, or that may hereafter be constructed in this state, are hereby declared public highways, and all railroads, sleeping cars, telegraph, telephone and transportation companies of passengers, intelligence and freight are declared to be common carriers and subject to legislative control; and the legislative assembly shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers, intelligence and freight; as such common carriers, from one point to another in this state; provided, that appeal may be had to the courts of this state from the rates so fixed; but the rates fixed by the legislative assembly or board of railroad commissioners shall remain in force pending the decision of the courts.

SEC. 143. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with the railroads of other states. Every railroad company shall have the right with its road to intersect, connect with or cross any other, and shall receive and transport each other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 144. The term "corporation" as used in this article shall not be understood as embracing municipalities or political subdivisions of the state unless otherwise expressly stated, but it shall be held and construed to include all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 145. If a general banking law be enacted, it shall provide for the registry and countersigning by an officer of the state of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the state treasurer for the redemption of such notes or bills.

SEC. 146. Any combination, between individuals, corporations, associations or either, having for its object or effect the controlling of the price of any product of the soil or any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited and hereby declared unlawful and against public policy; and any and all franchises heretofore granted or extended, or that may hereafter be granted or extended in this state, whenever the owner or owners thereof violate this article, shall be deemed annulled and become void.

ARTICLE VIII.

EDUCATION.

SEC. 147. A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the State of North Dakota and free from sectarian control. This legislative requirement shall be irrevocable without the consent of the United States and the people of North Dakota.

SEC. 148. The legislative assembly shall provide, at its first session after the adoption of this constitution, for a uniform system for free public schools throughout the state, beginning with the primary and extending through all grades up to and including the normal and collegiate course.

SEC. 149. In all schools instruction shall be given as far as practicable in those branches of knowledge that tend to impress upon the mind the vital importance of truthfulness, temperance, purity, public spirit, and respect for honest labor of every kind.

SEC. 150. A superintendent of schools for each county shall be elected every two years, whose qualifications, duties, powers and compensation shall be fixed by law.

SEC. 151. The legislative assembly shall take such other steps as may be

necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.

SEC. 152. All colleges, universities, and other educational institutions, for the support of which lands have been granted to this state, or which are supported by a public tax, shall remain under the absolute and exclusive control of the state. No money raised for the support of the public schools of the state shall be appropriated to or used for the support of any sectarian school.

ARTICLE IX.

SCHOOL AND PUBLIC LANDS.

SEC. 153. All proceeds of the public lands that have heretofore been or may hereafter be granted by the United States for the support of the common schools in this state; all such per centum as may be granted by the United States on the sale of public lands; the proceeds of property that shall fall to the state by escheat; the proceeds of all gifts and donations to the state for common schools, or not otherwise appropriated by the terms of the gift, and all other property otherwise acquired for common schools, shall be and remain a perpetual fund for the maintenance of the common schools of the state. It shall be deemed a trust fund, the principle of which shall forever remain inviolate and may be increased but never diminished. The state shall make good all losses thereof.

SEC. 154. The interest and income of this fund together with the next proceeds of all fines for violation of state laws, and all other sums which may be added thereto by law shall be faithfully used and applied each year for the benefit of the common schools of the state, and shall be for this purpose apportioned among and between all the several common school corporations of the state in proportion to the number of children in each of school age, as may be fixed by law, and no part of the fund shall ever be diverted even temporarily, from this purpose, or used for any other purpose whatever than the maintenance of common schools for the equal benefit of all the people of the state; provided, however, that if any portion of the interest or income aforesaid shall be not expended during any year, said portion shall be added to and become a part of the school fund.

SEC. 155. After one year from the assembling of the first legislative assembly the lands granted to the state from the United States for the support of the common schools may be sold upon the following conditions and no other: No more than one-fourth of all such lands shall be sold within the first five years after the same become saleable by virtue of this section. No more than one-half of the remainder within ten years after the same become saleable as aforesaid. The residue may be sold at any time after the expiration of said ten years. The legislative assembly shall provide for the sale of all school lands subject to the provisions of this article. The coal lands of the state shall never be sold, but the legislative assembly may by general laws provide for leasing the same. The words "coal lands" shall include lands bearing lignite coal.

SEC. 156. The superintendent of public instruction, governor, attorney general, secretary of state and state auditor shall constitute a board of commissioners, which shall be denominated the "Board of University and School Lands" and, subject to the provisions of this article, and any law that may be passed by the legislative assembly, said board shall have control of the appraisement, sale, rental and disposal of all school and university lands, and shall direct the investment of the funds arising therefrom in the hands of the state treasurer, under the limitations in section 160 of this article.

SEC. 157. The county superintendent of common schools, the chairman of the county board and the county auditor shall constitute boards of appraisal, and under the authority of the state board of university and school lands shall appraise all school lands within their respective counties which they may from time to time recommend for sale at their actual value under the prescribed terms, and shall first select and designate for sale the most valuable lands.

SEC. 158. No land shall be sold for less than the appraised value, and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows:

One-fifth in five years, one-fifth on or before the expiration of ten years,

one-fifth on or before the expiration of fifteen years, and one-fifth on or before the expiration of twenty years, with interest at the rate of not less than five per cent per annum, payable annually in advance; provided, that when payments are made before due they shall be made at an interest paying date, and one year's interest in advance shall be paid on all moneys so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and shall be at public auction and to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the land to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one-quarter section, and those sub-divided in the smallest subdivisions. All lands designated for sale and not sold within two years after appraisal shall be re-appraised before they are sold. No grant or patent for such lands shall issue until payment is made for the same; provided that the land contracted to be sold by the state shall be subject to taxation from the date of contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year, then thereupon the contract of sale for such lands shall, if the board of university and school lands so determine, become null and void. Any lands under the provisions of section 158 of the constitution of the State of North Dakota that have heretofore been sold, may be paid for, except as to interest, as provided, further, that any school or institution lands that may be required for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right of way, or for other railroad uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, and lands that may be required for any of the purposes over which the right of eminent domain may be exercised under the constitution and the laws of the State of North Dakota, may be sold under the provisions of this section, and shall be paid for, principal and interest, in full in advance, at the time of sale, or at any time thereafter, and patent issued therefor, when principal and interest are paid.[9]

[9] Section 158 has been amended three times; the first amendment was proposed and adopted by the legislature of 1905, re-adopted by the legislature of 1907 and ratified at the election of Nov. 3, 1908. The second amendment was proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified at the election of Nov. 8, 1910. The third amendment was proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911 and ratified at the election of Nov. 5, 1912. The text of the amendment of 1908 is as follows: Section 158. Minimum Price of State Lands. No lands shall be sold for less than the appraised value and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash, and the remaining four-fifths as follows: One-fifth in five years, one-fifth in ten years, one-fifth in fifteen years and one-fifth in twenty years with interest at the rate of not less than six per centum, payable annually in advance. All sales shall be held at the county seat of the county in which the land to be sold is situate, and shall be at public auction and to the highest bidder, after sixty days advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of one-quarter section, and those so subdivided in the smallest sub-divisions. All lands designated for sale and not sold within two years after appraisal, shall be reappraised before they are sold. No grant or patent for any such lands shall issue until payment is made for the same; provided, that the lands contracted to be sold by the state shall be subject to taxation from the date of such contract. In case the taxes assessed against any of said lands for any year remain unpaid until the first Monday in October of the following year then and thereupon the contracts of sale of such lands shall, at the election of the board of university and school lands, become null and void; and no such contract heretofore made shall be held void for nonpayment of taxes accruing on the lands described therein; provided, such taxes shall have been paid before this amendment take effect; provided, further, that any school or institution land that may be required for townsite purposes may be paid for at any time and patent issued therefor.

The text of the amendment of 1910 is as follows: Section 158. No land shall be sold for less than the appraised value, and in no case for less than ten dollars per acre. The purchaser shall pay one-fifth of the price in cash and the remaining fourth fifths [four-fifths] as follows: One-fifth in five years, one-fifth on or before the expiration of ten years, one-fifth on or before the expiration of fifteen years, and one-fifth on or before the expiration of twenty years, with interest payable at the rate of not less than five per cent. per annum payable annually in advance; provided, that when payments are made before due they shall be made at an interest-paying date, and one year's interest in advance shall be paid on all moneys so paid. All sales shall be held at the county seat of the county in which the land to be sold is situated, and be at

SEC. 159. All land, money or other property donated, granted or received from the United States or any other source for a university, school of mines, reform school, agricultural college, deaf and dumb asylum, normal school or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the state, and the state shall make good all losses thereof.

SEC. 160. All lands mentioned in the preceding section shall be appraised and sold in the same manner and under the same limitations and subject to all the conditions as to price and sale as provided above for the appraisal and sale of lands for the benefit of common schools; but a distinct and separate account shall be kept by the proper officers of each of said funds; provided, that the limitations as to the time in which school land may be sold shall apply only to lands granted for the support of common schools.

SEC. 161. The legislative assembly shall have authority to provide by law for the leasing of lands granted to the state for educational and charitable purposes; but no such law shall authorize the leasing of said lands for a longer period than five years. Said lands shall only be leased for pasturage and meadow purposes and at a public auction after notice as heretofore provided in case of sale; provided, that all of said school lands now under cultivation may be leased, at the discretion and under the control of the board of university and school lands, for other than pasturage and meadow purposes until sold. All rents shall be paid in advance.

SEC. 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the State of North Dakota, bonds of other states; provided, such states have never repudiated any of their indebtedness, or on first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the board of appraisal of school lands.[10]

SEC. 163. No law shall ever be passed by the legislative assembly granting to any person, corporation or association any privileges by reason of the occupation, cultivation or improvement of any public lands by said person, corporation or association subsequent to the survey thereof by the general government. No claim for the occupation, cultivation or improvement of any public lands shall ever be recognized, nor shall such occupation, cultivation or improvement of any public lands ever be used to diminish either directly or indirectly, the purchase price of said lands.

SEC. 164. The legislative assembly shall have authority to provide by law for the sale or disposal of all public lands that have been heretofore, or may

ublic auction and to the highest bidder after sixty days advertisement of the same n a newspaper in general circulation in the vicinity of the land to be sold, and also ublished in a newspaper published at the county seat, and also in a newspaper published at the seat of government. Such lands as shall not have been especially subivided shall be offered in tracts of one-quarter section, and those subdivided in the mallest sub-division. All lands designated for sale and not sold within two years fter appraisal shall be re-appraised before they are sold. No grant or patent for such nds shall issue until payment is made for the same; provided, that the lands conracted to be sold by the state shall be subject to taxation from the date of such conract. In case the taxes assessed against any of said lands for any year remain unpaid ntil the first Monday in October of the following year, then and thereupon the conract of sale for such lands shall, if the board of university and school lands so deermine, become null and void. Any lands under the provisions of section 158 of the onstitution of the State of North Dakota that have heretofore been sold may be paid or, except as to interest, as provided herein; provided, further, that any school or stitution lands that may be required for township purposes, may be paid for at any me and patent issued therefor.

[10] Amendment proposed and adopted by the legislature of 1903, re-adopted by the gislature of 1905, and ratified at the election of Nov. 6, 1906.

hereafter be granted by the United States to the state for purposes other than set forth and named in sections 153 and 159 of this article. And the legislative assembly, in providing for the appraisement, sale, rental and disposal of the same, shall not be subject to the provisions and limitations of this article.

SEC. 165. The legislative assembly shall pass suitable laws for the safe keeping, transfer and disbursement of the state school funds; and shall require all officers charged with the same or the safe keeping thereof to give ample bonds for all moneys and funds received by them, and if any of said officers shall convert to his own use in any manner or form, or shall loan with or without interest or shall deposit in his own name, or otherwise than in the name of the state of North Dakota, or shall deposit in any banks or with any person or persons, or exchange for other funds or property any portion of the school funds aforesaid or purposely allow any portion of the same to remain in his own hands uninvested, except in the manner prescribed by law, every such act shall constitute an embezzlement of so much of the aforesaid school funds as shall be thus taken or loaned, or deposited, or exchanged, or withheld, and shall be a felony; and any failure to pay over, produce or account for the state school funds or any part of the same entrusted to any such officer, as by law required or demanded, shall be held and be taken to be prima facie evidence of such embezzlement.

ARTICLE X.

COUNTY AND TOWNSHIP ORGANIZATION.

SEC. 166. The several counties in the territory of Dakota lying north of the seventh standard parallel as they now exist, are hereby declared to be counties of the state of North Dakota.

SEC. 167. The legislative assembly shall provide by general law for organizing new counties, locating the county seats thereof temporarily, and changing county lines, but no new county shall be organized, nor shall any organized county be so reduced as to include an area of less than twenty-four congressional townships, and containing a population of less than one thousand bona fide inhabitants. And in the organization of new counties and in changing the lines of organized counties and boundaries of congressional townships, the natural boundaries shall be observed as nearly as may be.

SEC. 168. All changes in the boundaries of organized counties before taking effect shall be submitted to the electors of the county or counties to be affected thereby at a general election and be adopted by a majority of all the legal votes cast in each county at such election; and in case any portion of an organized county is stricken off and added to another the county to which such portion is added shall assume and be holden for an equitable proportion of the indebtedness of the county so reduced.

SEC. 169. The legislative assembly shall provide by general law, for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

SEC. 170. The legislative assembly shall provide by general law for township organization, under which any county may organize, whenever a majority of all the legal voters of such county, voting at a general election, shall so determine, and whenever any county shall adopt township organization, so much of this constitution as provides for the management of the fiscal concerns of said county by the board of county commissioners, may be dispensed with by a majority vote of the people voting at any general election; and the affairs of said county may be transacted by the chairmen of the several township boards of said county, and such others as may be provided by law for incorporated cities towns or villages within such county.

SEC. 171. In any county that shall have adopted a system of government by the chairmen of the several township boards, the question of continuing the same may be submitted to the electors of such county at a general election in such a manner as may be provided by law, and if a majority of all the votes cast upon such question shall be against said system of government, then such system shall cease in said county, and the affairs of said county shall then be

transacted by a board of county commissioners as is now provided by the laws of the territory of Dakota.

SEC. 172. Until the system of county government by the chairmen of the several township boards is adopted by any county the fiscal affairs of said county shall be transacted by a board of county commissioners. Said board shall consist of not less than three and not more than five members, whose terms of office shall be prescribed by law. Said board shall hold sessions for the transaction of county business as shall be provided by law.

SEC. 173. At the first general election held after the adoption of this constitution, and every two years thereafter, there shall be elected in each organized county in the state, a county judge, clerk of court, register of deeds, county auditor, treasurer, sheriff and state's attorney, who shall be electors of the county in which they are elected, and who shall hold their office until their successors are elected and qualified. The legislative assembly shall provide by law for such other county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

ARTICLE XI.

REVENUE AND TAXATION.

SEC. 174. The legislative assembly shall provide for raising revenue sufficient to defray the expenses of the state for each year, not to exceed in any one year four (4) mills on the dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes, and also a sufficient sum to pay the interest on the state debt.

SEC. 175. No tax shall be levied except in pursuance of law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 176. Taxes shall be uniform upon the same class of property, including franchises within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only, but the property of the United States, and of the state, county and municipal corporations shall be exempt from taxation; and the legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, cemetery, charitable or other public purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation; provided, that all taxes and exemptions in force when this amendment is adopted shall remain in force, in the same manner and to the same extent, until otherwise provided by statute.[11]

SEC. 177. All improvements on land shall be assessed in accordance with section 179, but plowing shall not be considered as an improvement or add to the value of land for the purpose of assessment.

SEC. 178. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any county or other municipal corporation shall be a party.

SEC. 179. All taxable property except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property, including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or telephone companies

[11] Section 176 has been amended twice; the first amendment was proposed and adopted by the legislature of 1901, re-adopted by the legislature of 1903, and ratified at the election of Nov. 8, 1904. The second amendment was proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913 and ratified at the election of Nov. 3, 1914. The amendment of 1904 added the following sentence to the original section: The Legislative assembly may further provide that grain grown within the state and held therein in elevators, warehouses and granaries may be taxed at a fixed rate.

or corporations operating in this state and used directly or indirectly in the carrying of persons, property or messages, shall be assessed by the State Board of Equalization in a manner prescribed by such state board or commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purposes other than the operation of a railroad thereon, such portion of its railway, while so used shall be assessed in a manner provided for the assessment of other real property.[12]

SEC. 180. The legislative assembly may provide for the levy, collection and disposition of an annual poll tax of not more than one dollar and fifty cents on every male inhabitant of this state over twenty-one and under fifty years of age, except paupers, idiots, insane persons and Indians not taxed.

SEC. 181. The legislative assembly shall pass all laws necessary to carry out the provisions of this article.

ARTICLE XII.

PUBLIC DEBT AND PUBLIC WORKS.

SEC. 182. The state may, to meet casual deficits or failure in the revenue or in case of extraordinary emergencies contract debts, but such debts shall never in the aggregate exceed the sum of $200,000, exclusive of what may be the debt of North Dakota at the time of the adoption of this constitution. Every such debt shall be authorized by law for certain purposes to be definitely mentioned therein, and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, and shall specially appropriate the proceeds of such tax to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax discontinued until such debt, both principal and interest, shall have been fully paid. No debt in excess of the limit named shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the state in time of war, or to provide for public defense in case of threatened hostilities; but the issuing of new bonds to refund existing indebtedness, shall not be construed to be any part or portion of said $200,000.

SEC. 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five per centum upon the assessed value of the taxable property therein; provided, that any incorporated city may by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said five per cent limit. In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount of existing indebtedness, whether contracted prior or subsequent to the adoption of this constitution shall be included; provided, further, that any incorporated city may become indebted in any amount not exceeding four per centum on such assessed value, without regard to the existing indebtedness of such city, for the purpose of constructing or pur-

[12] Section 179 has been amended twice; the first amendment was proposed and adopted by the legislature of 1897, re-adopted by the legislature of 1899, and ratified at the election of Nov. 6, 1900; the second amendment was proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of Nov. 3, 1914. The text of the amendment of 1900 is as follows: Section 179. All property, except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails and rolling stock of all railroads, and the franchise and all other property of all express companies, freight line companies, car equipment companies, sleeping car companies, dining car companies, telegraph or telephone companies, or corporations operated in this state and used directly or idirectly [indirectly] in the carrying of persons, or messages shall be assessed by the state board of equalization at their actual value, and such assessed value shall be apportioned to the counties, cities, towns, villages, townships and districts in which such railroad companies, express companies, sleeping car companies, dining car companies, telegraph and telephone companies are located, or through which they are operated, as a basis for the taxation of such property, in proportion to the number of miles of such property, within such counties, cities, towns, villages, townships and districts, or over which any part of such property is used or operated within such counties, towns, villages, townships and districts. But should any railroad allow any portion of its roadway to be used for any purpose other than the operation of a railroad thereon, such portion of its roadway, while so used, shall be assessed in the manner provided for the assessment of other real property.

chasing water works for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purpose whatever. All bonds or obligations in excess of the amount of indebtedness permitted by this constitution, given by any city, county, township, town, school district or any other political subdivision, shall be void.

SEC. 184. Any city, county, township, town, school district or any other political subdivision incurring indebtedness shall at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepealable until such debt be paid.

SEC. 185. Neither the state nor any county, city, township, town, school district or any other political sub-division shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work or internal improvement unless authorized by a two-third vote of the people. Provided, that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.[15]

SEC. 186. No money shall be paid out of the state treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state or any county or other political subdivision, shall be audited, allowed or paid until a full, itemized statement in writing shall be filed with the officer or officers whose duty it may be to audit the same.

SEC. 187. No bond or evidence of indebtedness of the state shall be valid unless the same shall have endorsed thereon a certificate signed by the auditor and secretary of state, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political subdivision shall be valid unless the same have endorsed thereon a certificate signed by the county auditor, or other officer authorized by law to sign such certificate, stating that said bond, or evidence of debt is issued pursuant to law and is within the debt limit.

ARTICLE XIII.

MILITIA.

SEC. 188. The militia of this state shall consist of all able bodied male persons residing in the state, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States or of this state. Persons whose religious tenets or conscientious scruples forbid them to bear arms shall not be compelled to do so in times of peace, but shall pay an equivalent for a personal service.

SEC. 189. The militia shall be enrolled, organized, uniformed, armed and disciplined in such a manner as shall be provided by law, not incompatible with the constitution or laws of the United States.

SEC. 190. The legislative assembly shall provide by law for the establishment of volunteer organizations of the several arms of the service which shall be classed as active militia; and no other organized body of armed men shall be permitted to perform military duty in this state except the army of the United States, without the proclamation of the governor of the state.

SEC. 191. All militia officers shall be appointed or elected in such a manner as the legislative assembly shall provide.

SEC. 192. The commissioned officers of the militia shall be commissioned by the governor, and no commissioned officer shall be removed from office except by sentence of court martial, pursuant to law.

SEC. 193. The militia forces shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at mus-

[15] Amendment proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of Nov. 3, 1914.

ters, parades and elections of officers, and in going to and returning from the same.

ARTICLE XIV.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SEC. 194. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 195. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to the law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the governor or lieutenant governor is on trial the presiding judge of the supreme court shall preside.

SEC. 196. The governor and other state and judicial officers except county judges, justices of the peace and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct, or malfeasance, or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under the state. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 197. All officers not liable to impeachment, shall be subject to removal for misconduct, malfeasance, crime or misdemeanor in office, or for habitual drunkenness or gross incompetency in such manner as may be provided by law.

SEC. 198. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 199. On trial of impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 200. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

SEC. 201. No person shall be liable to impeachment twice for the same offense.

ARTICLE XV.

FUTURE AMENDMENTS.

SEC. 202. First: Any amendment or amendments to this constitution may be proposed in either house of the legislative assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on the journal of the house with the yeas and nays taken thereon, and referred to the legislative assembly to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice, and if in the legislative assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all members elected to each house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the legislative assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislative assembly voting thereon, such amendment or amendments shall become a part of the constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Second. Any amendment or amendments to this constitution may also be proposed by the people by the filing with the secretary of state, at least six months previous to a general election, of an initiative petition containing the signatures of at least twenty-five per cent of the legal voters in each of not less than one-half of the counties of the state. When such petition has been properly filed the proposed amendment or amendments shall be published as the legislature may provide, for three months previous to the general election and shall be placed upon the ballot to be voted upon by the people at the next general election. Should any such amendment or amendments proposed by initia-

tive petition and submitted to the people receive a majority of all the legal votes cast at such general election, such amendment or amendments shall be referred to the next legislative assembly and should such proposed amendment or amendments be agreed upon by a majority of all the members elected to each house, such amendment or amendments shall become a part of the constitution of this state. Should any amendment or amendments proposed by initiative petition and receiving a majority of all the votes cast at the general election as herein provided, but failing to receive approval by the following legislative assembly to which it has been referred, such amendment or amendments shall again be submitted to the people at the next general election for their approval or rejection as at the previous general election. Should such amendment or amendments receive a majority of all the legal votes cast at such succeeding general election such amendment or amendments at once become a part of the constitution of this state. Any amendment or amendments proposed by initiative petition and failing of adoption as herein provided, shall not be again considered until the expiration of six years.[14]

ARTICLE XVI.

COMPACT WITH THE UNITED STATES.

SEC. 203. The following article shall be irrevocable without the consent of the United States and the people of this state:

First. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and that said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by this state on lands or property therein, belonging to, or which may hereafter be purchased by the United States or reserved for its use. But nothing in this article shall preclude this state from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant save and except such lands as have been or may be granted to any Indian or Indians under any acts of congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such extent, as is, or may be provided in the act of congress granting the same.

Third. In order that payment of the debts and liabilities contracted or incurred by and on behalf of the territory of Dakota may be justly and equitably provided for and made, and in pursuance of the requirements of an act of congress approved February 22, 1889, entitled, "An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and other state governments and to be admitted into the union on an equal footing with the original states and to make donations of public lands to such states," the state of North Dakota and South Dakota by proceedings of a joint commission, duly appointed under said act, the sessions whereof were held at Bismarck, in said state of North Dakota, from July 16, 1889, to July 31, 1889, inclusive, have agreed to the following adjustment of the amounts of the debts and liabilities of the territory of Dakota, which shall be assumed and paid by each of the states of North Dakota and South Dakota, respectively to-wit:

[14] Amendment proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of Nov. 3, 1914.

This agreement shall take effect and be in force from and after the admis sion into the union as one of the United States of America, of either the stat of North Dakota or the state of South Dakota.

The words "State of North Dakota," wherever used in this agreement, shal be taken to mean the territory of North Dakota in case the State of South Dakot shall be admitted into the union prior to the admission into the union of th state of North Dakota; and the words "State of South Dakota," wherever use in this agreement, shall be taken to mean the territory of South Dakota in cas the state of North Dakota shall be admitted into the union prior to the admis sion into the union of the state of South Dakota.

The said state of North Dakota shall assume and pay all bonds issued by th territory of Dakota to provide funds fo rthe purchase, construction, repairs o maintenance of such public institutions, grounds or buildings as are locate within the boundaries of North Dakota, and shall pay all warrants issued unde and by virtue of that certain act of the legislative assembly of the territory o Dakota, approved March 8, 1889, entitled, "Au act to provide for the refundin of outstanding warrants drawn on the capitol building fund."

The state of South Dakota shall assume and pay all bonds issued by th territory of Dakota to provide funds for the purchase, construction, repairs o maintenance of such public institutions, grounds or buildings as are locate within the boundaries of South Dakota.

That is to say: The state of North Dakota shall assume and pay the fo lowing bonds and indebtedness, to wit:

Bonds issued on account of the hospital for insane at Jamestown, Nort Dakota, the face aggregate of which is $266,000; also bonds issued on accoun of the North Dakota university at Grand Forks, North Dakota, the face aggre gate of which is $96,700; also bonds issued on account of the penitentiary a Bismarck, North Dakota, the face aggregate of which is $93,600; also, refundin capitol building warrants dated April 1, 1889, $83,507.46.

And the state of South Dakota shall assume and pay the following bond and indebtedness, to wit:

Bonds issued on account of the hospital for the insane at Yankton, Sout Dakota, the face aggregate of which is $210,000; also bonds issued on accoun of the school for deaf mutes at Sioux Falls, South Dakota, the face aggregat of which is $51,000; also bonds issued on account of the university at Vermillion South Dakota, the face aggregate of which is $75,000; also, bonds issued o account of the penitentiary at Sioux Falls, South Dakota, the face aggregate o which is $94,300; also, bonds issued on account of the agricultural college a Brookings, South Dakota, the face aggregate of which is $97,500; also, bond issued on account of the normal school at Madison, South Dakota, the fac aggregate of which is $49,400; also bonds issued on account of the school o mines at Rapid City, South Dakota, the face aggregate of which is $33,000; als bonds issued on account of the reform school at Plankinton, South Dakota, th face aggregate of which is $30,000; also, bonds issued on account of the norma school at Spearfish, South Dakota, the face aggregate of which is $25,000; als bonds issued on account of the soldiers' home at Hot Springs, South Dakot the face aggregate of which is $45,000.

The states of North Dakota and South Dakota shall pay one-half each o all liabilities now existing or hereafter and prior to the taking effect of th agreement incurred, except those heretofore or hereafter incurred on accoun of public institutions, grounds or buildings, except as otherwise herein spec cally provided.

The State of South Dakota shall pay to the State of North Dakota $46,50 on account of the excess of territorial appropriations for the permanent improv ment of territorial institutions which under this agreement will go to Sout Dakota, and in full of the undivided one-half interest of North Dakota in th territorial library, and in full settlement of unbalanced accounts, and of a claims against the territory of whatever nature, legal or equitable, arising ou of the alleged erroneous or unlawful taxation of Northern Pacific railroad land and the payment of said amount shall discharge and exempt the state of Nort Dakota from all liability for or on account of the several matters hereinbefor

referred to; nor shall either state be called upon to pay or answer to any portion of liability hereafter arising or accruing on account of transactions heretofore had, which liability would be a liability of the territory of Dakota had such territory remained in existence, and which liability shall grow out of matters connected with any public institutions, grounds or buildings of the territory situated or located within the boundaries of the other state.

A final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 9, 1889; and South Dakota shall be charged with all sums paid on account of public institutions, grounds, or buildings located within its boundaries on the same account and during the same time. Each state shall be charged with one-half of all other expenses of the territorial government during the same time. All moneys paid into the treasury during the period from March 8, 1889, to the time of taking effect of this agreement by any county, municipality or person within the limits of the proposed state of North Dakota, shall be credited to the state of North Dakota, and all sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed state of South Dakota shall be credited to the state of South Dakota, except that any and all taxes on gross earnings paid into said treasury by railroad corporations, since the 8th day of March, 1889, based upon earnings of years prior to 1888, under and by virtue of the act of the legislative assembly of the territory of Dakota, approved March 7, 1889, and entitled, "An act providing for the levy and collection of taxes upon property of railroad companies in this territory," being chapter 107 of the session laws of 1889 (that is, the part of such sums going to the territory), shall be equally divided between the states of North Dakota and South Dakota, and all taxes heretofore or hereafter paid into said treasury under and by virtue of the act last mentioned, based upon the gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the territorial treasury shall be divided as follows: North Dakota shall have so much thereof as shall be or has been paid by railroads within the limits of the proposed state of North Dakota, and South Dakota so much thereof as shall be or has been paid by railroads within the limits of the proposed state of South Dakota; each state shall be accredited also with all balances of appropriations made by the seventeenth legislative assembly of the territory of Dakota for the account of the public institutions, grounds or buildings situated within its limits remaining unexpended on March 8, 1889. If there shall be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each state shall, at the time of such final adjustment of accounts, assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or buildings of such state in excess of the receipts from counties, municipalities, railroad corporations or persons within the limits of said state as provided in this article, and if there should be a surplus at the time of such final adjustment, each state shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and above the amount charged it. And the state of North Dakota hereby obligates itself to pay such part of the debts and liabilities of the territory of Dakota as is declared by the foregoing agreement to be its proportion thereof, the same as if such proportion had been originally created by said state of North Dakota as its own debt or liability.

SEC. 204. Jurisdiction is ceded to the United States over the military reservations of Fort Abraham Lincoln, Fort Buford, Fort Pembina and Fort Totten, heretofore declared by the president of the United States; provided, legal process, civil and criminal, of this state, shall extend over such reservations in all cases in which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations.

SEC. 205. The state of North Dakota hereby accepts the several grants of land granted by the United States to the state of North Dakota by an act of congress, entitled, "An act to provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana and Wash-

ington to form constitutions and state governments, and to be admitted into the union on equal footing with the original states, and to make donations of public lands to such states," under the conditions and limitations therein mentioned; reserving the right, however, to apply to congress for modification of said conditions and limitations in case of necessity.

ARTICLE XVII.

MISCELLANEOUS.

SEC. 206. The name of this state shall be "North Dakota." The state of North Dakota shall consist of all the territory included within the following boundary, to wit: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence south up the main channel of the same and along the boundary line of the state of Minnesota to a point where the seventh standard parallel intersects the same; thence west along said seventh standard parallel produced due west to a point where it intersects the twenty-seventh meridian of longitude west from Washington; thence north on said meridian to a point where it intersects the forty-ninth degree of north latitude; thence east along said line to place of beginning.

SEC. 207. The following described seal is hereby declared to be and hereby constituted the great seal of the state of North Dakota, to wit: "A tree in the open field, the trunk of which is surrounded by three bundles of wheat; on the right, plow, anvil and sledge; on the left, a bow crossed with three arrows, and an Indian on horseback pursuing a buffalo toward the setting sun; the foliage of the tree arched by a half circle of forty-two stars, surrounded by the motto, "Liberty and Union Now and Forever, One and Inseparable;" the words "Great Seal" at the top, the words "State of North Dakota" at the bottom; "October 1st" on the left, and "1889" on the right. The seal to be two and one-half inches in diameter.

SEC. 208. The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws exempting from forced sale to all heads of families a homestead, the value of which shall be limited and defined by law; and a reasonable amount of personal property; the kind and value shall be fixed by law. This section shall not be construed to prevent liens against the homestead for labor done and materials furnished in the improvement thereof, in such manner as may be prescribed by law.

SEC. 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this state.

SEC. 210. All flowing streams and natural water courses shall forever remain the property of the state for mining, irrigating and manufacturing purposes.

SEC. 211. Members of the legislative assembly and judicial departments, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the state of North Dakota and that I will faithfully discharge the duties of the office of ———— according to the best of my ability, so help me God" (if an oath), (under pain and penalty of perjury, if an affirmation), and no other oath, declaration or test shall be required as a qualification for any office or public trust.

SEC. 212. The exchange of "black lists" between corporations shall be prohibited.

SEC. 213. The real and personal property of any woman in this state, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property and shall not be liable for the debts of her husband.

ARTICLE XVIII.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SEC. 214. Until otherwise provided by law, the member of the house of representatives of the United States apportioned to this state shall be elected at large.

Until otherwise provided by law the senatorial and representative districts shall be formed and the senators and representatives shall be apportioned as follows:

The first district shall consist of the townships of Walhalla, St. Joseph, Neche, Pembina, Bathgate, Carlisle, Joliet, Midland, Lincoln and Drayton, in the county of Pembina, and be entitled to one senator and two representatives.

The second district shall consist of the townships of St. Thomas, Hamilton, Cavalier, Akra, Beauleau, Thingvalla, Gardar, Park, Crystal, Elora and Lodema, in the county of Pembina, and be entitled to one senator and two representatives.

The third district shall consist of the townships of Perth, Latona, Adams, Silvester, Cleveland, Morton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Arden, Rushford, Kensington, Dundee, Ops, Prairie Center, Fertile, Park River and Gleenwood in the county of Walsh, and be entitled to one senator and two representatives,

The fourth district shall consist of the townships of Forest River, Walsh Center, Grafton, Farmington, Ardoch, village of Ardoch, Harrison, city of Grafton, Oakwood, Martin, Walshville, Pulaski, Acton, Minto and St. Andrews, in the county of Walsh, and be entitled to one senator and three representatives.

The fifth district shall consist of the townships of Gilby, Johnstown, Stranne, Wheatfield, Hegton, Arvilla, Avon, Northwood, Lind, Grace, Larimore and the city of Larimore, Elm Grove, Agues, Inkster, Elkmount, Oakwood, Niagara, Moraine, Logan and Loretta, in the county of Grand Forks, and be entitled to one senator and two representatives.

The sixth district shall consist of the Third, Fourth, Fifth and Sixth wards of the city of Grand Forks, as now constituted, and the townships of Falconer, Harvey, Turtle River, Ferry, Rye, Blooming, Meckinock, Lakeville and Levant, in the county of Grand Forks, and be entitled to one senator and two representatives.

The seventh district shall consist of the First and Second wards of the city of Grand Forks, as now constituted, and the townships of Grand Forks, Gremma, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Bentru, Americus, Michigan, Union and Washington, in the county of Grand Forks, and be entitled to one senator and two representatives.

The eighth district shall consist of the county of Traill and be entitled to one senator and four representatives.

The ninth district shall consist of the township of Fargo and the city of Fargo, in the county of Cass, and the fractional township number 139 in range 49, and be entitled to one senator and two representatives.

The tenth district shall consist of the townships of Noble, Wiser, Harwood, Reed, Barnes, Stanley, Pleasant, Kenyon, Gardner, Berlin, Raymond, Stapleton, Warren, Norman, Elm River, Harmony, Durbin, Adison, Davenport, Casselton, in the county of Cass, and be entitled to one senator and three representatives.

The eleventh district shall consist of the townships of Webster, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Empire, Wheatland, Gill, Walberg, Watson, Page, Rich, Ayr, Buffalo, Howes, Eldred, Highland, Rochester, Lake, Cornell, Tower, Hill, Clifton and Pontiac, in the county of Cass, and be entitled to one senator and three representatives.

The twelfth district shall consist of the county of Richland, and be entitled to one senator and three representatives.

The thirteenth district shall consist of the county of Sargent, and be entitled to one senator and two representatives.

The fourteenth district shall consist of the county of Ransom, and be entitled to one senator and two representatives.

The fifteenth district shall consist of the county of Barnes, and be entitl to one senator and two representatives.

The sixteenth district shall consist of the counties of Steele and Grig and be entitled to one senator and two representatives.

The seventeenth district shall consist of the county of Nelson, and entitled to one senator and one representative.

The eighteenth district shall consist of the county of Cavalier, and entitled to one senator and two representatives.

The nineteenth district shall consist of the counties of Towner and Rolet and be entitled to one senator and one repesentative.

The twentieth district shall consist of the counties of Benson and Pier and be entitled to one senator and two representatives.

The twenty-first district shall consist of the county of Ramsey, and entitled to one senator and two representatives.

The twenty-second district shall consist of the counties of Eddy, Fos and Wells, and be entitled to one senator and two representatives.

The twenty-third district shall consist of the county of Stutsman, and entitled to one senator and two representatives.

The twenty-fourth district shall consist of the county of LaMoure, a be entitled to one senator and one representative.

The twenty-fifth district shall consist of the county of Dickey, and entitled to one senator and two representatives.

The twenty-sixth district shall consist of the counties of Emmons, M Intosh, Logan and Kidder, and be entitled to one senator and two represe atives.

The twenty-seven district shall consist of the county of Burleigh, and entitled to one senator and two representatives.

The twenty-eighth district shall consist of the counties of Bottineau a McHenry, and be entitled to one senator and one representative.

The twenty-ninth district shall consist of the counties of Ward, McLe and all the unorganized counties lying north of the Missouri river, and entitled to one senator and one representative.

The thirtieth district shall consist of the counties of Morton and Oli and be entitled to one senator and two representatives.

The thirty-first district shall consist of the counties of Mercer, Stark Billings and all the unorganized counties lying south of the Missouri ri and be entitled to one senator and one representative.[15]

ARTICLE XIX.

PUBLIC INSTITUTIONS.

SEC. 215. The following public institutions of the state are permaner located at the places hereinafter named, each to have the lands specific granted to it by the United States, in the act of congress approved Febru 22, 1889, to be disposed of and used in such manner as the legislative ass bly may prescribe, subject to the limitations provided in the article on sc and public lands contained in this constitution.

First. The seat of government at the city of Bismarck, in the county Burleigh.

Second. The state university and the school of mines at the city Grand Forks, in the county of Grand Forks.

Third. The agricultural college at the city of Fargo, in the county Cass.

Fourth. A state normal school at the city of Valley City, in the co of Barnes; and the legislative assembly in apportioning the grant of ei thousand acres of land for normal schools made in the act of congress refe to shall grant to the said normal school at Valley City, as aforementio fifty thousand (50,000) acres, and said lands are hereby appropriated to institution for that purpose.

[15] The apportionment of senators and representatives has been changed by the of 1901, 1907, 1909 and 1911.

Fifth. The school for the deaf and dumb of North Dakota, at the City of Devils Lake, in the County of Ramsey.

Sixth. A state reform school at the city of Mandan, in the county of Morton.

Seventh. A state normal school at the city of Mayville, in the county of Traill, and the legislative assembly in apportioning the grant of lands made by congress in the act aforesaid, for state normal schools, shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth. A state hospital for the insane at the City of Jamestown, in the County of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the act of congress aforesaid for "other educational and charitable institutions," to the benefit and for the endowment of said institution, and there shall be located at or near the City of Grafton, in the County of Walsh, an institution for the feeble minded, on the grounds purchased by the secretary of the interior for a penitentiary building.[16]

SEC. 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located, or such other charitable institutions as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand acres of land.

Second: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly, with a grant of thirty thousand acres.

Third: An industrial school and school for manual training or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand acres.

Fourth: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A scientific school or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand acres.

Sixth: A state normal school at the city of Minot in the county of Ward.

Seventh: (a) *A state normal school at the city of Dickinson, in the county of Stark.*

Provided, That no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this Constitution.[17]

[16] Section 215 has been amended twice; the first amendment was proposed and adopted by the legislature of 1901, re-adopted by the legislature of 1903, and ratified at the election of Nov. 8, 1904; the second amendment was proposed and adopted by the legislature of 1901, re-adopted by the legislature of 1903, and ratified at the election of Nov. 8, 1904. The first amendment modified sub-section Fifth and the second amendment modified sub-section Eighth.

[17] Section 216 has been amended four times; the first amendment was proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified on Nov. 8, 1910; the second amendment was proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913 and ratified at the election of Nov. 3, 1914; the third and fourth amendments were proposed and adopted by the legislature of 1913, re-adopted by the legislature of 1915 and ratified at the election of Nov. 7, 1916. The first amendment added sub-section Sixth to the original and struck the words, "provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this constitution." from original sub-section Fifth. The text of the second amendment is as follows: SEC. 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant

SEC. 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand (170,000) acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand (40,000) acres of land.

Second: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine, at an election to be held as prescribed by the legislative assembly, with a grant of thirty thousand (30,000) acres.

Third: An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand (40,000) acres.

Fourth: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau and Rolette, as the electors of the said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A scientific school, or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand (40,000) acres.

Sixth: A state normal school at the city of Minot in the county of Ward.

Seventh: (*b*) *A state hospital for the insane at such place within this state as shall be selected by the legislative assembly*, provided, that no other institution of a character similar to any one of those located by this Article shall be established or maintained without a revision of this Constitution.[17]

ARTICLE XX.

PROHIBITION.

SEC. 217. No person, association or corporation shall within this state, manufacture for sale or gift, any intoxicating liquors, and no person, association or corporation shall import any of the same for sale or gift, or keep or sell or offer the same for sale, or gift, barter or trade as a beverage. The legislative assembly shall by law prescribe regulations for the enforcement of the provision of this article and shall thereby provide suitable penalties for the violation thereof.

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of one hundred and seventy thousand acres of land made by the United States for "Other Educational and Charitable Institutions," as is allotted by law, viz.:

First. A soldiers' home, when located, or such other charitable institution as the Legislative Assembly may determine, at Lisbon, in the County of Ransom, with a grant of forty thousand acres of land.

Second. The school for the blind of North Dakota, at Bathgate, in the County of Pembina, with a grant of thirty thousand acres.

Third. An industrial school and school for manual training or such other educational or charitable institution as the Legislative Assembly may provide at the town of Ellendale, in the County of Dickey, with a grant of forty thousand acres.

Fourth. A school of forestry, or such other institution as the Legislative Assembly may determine, at the city of Bottineau, in the County of Bottineau.

Fifth. A scientific school, or such other educational or charitable institution as the Legislative Assembly may prescribe, at the City of Wahpeton, County of Richland, with a grant of forty thousand acres.

Sixth. A state normal school in the City of Minot, in the County of Ward; provided, that no other institution, of a character similar to any one of those located by this Article, shall be established or maintained without a revision of this Constitution.

The amendments of 1916 were embraced in two separate concurrent resolutions which were adopted and ratified independently. Each resolution was designed to effect a modification of sub-section Seventh. The first of these resolutions added the following to the original section: "Seventh: (a) A state normal school at the City of Dickinson, in the County of Stark". The second resolution added the following: "Seventh: (b) A state hospital for the insane at such place within this state as shall be selected by the Legislative Assembly." There are a few differences in the phraseology of these two sections, and both are given in full.

[ARTICLE XXI.

LOTTERIES.]

[SECTION 1.] The legislative assembly shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale of lottery or gift enterprise tickets.[18]

[ARTICLE XXII.

TERMINAL GRAIN ELEVATORS.]

[SECTION 1.] The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchase or leasing and operation of one or more terminal grain elevators in the States of Minnesota or Wisconsin, or both, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators.[19]

[ARTICLE XXIII.

TERMINAL GRAIN ELEVATORS.]

[SECTION 1.] The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchase or leasing and operation of one or more terminal grain elevators in the State of North Dakota, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection, weighing and grading of all grain received in such elevator or elevators.[20]

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of territorial government to state government, it is declared that all writs, actions, prosecutions, claims and rights of individuals and bodies corporate shall continue as if no change of government had taken place, and all processes which may, before the organization of the judicial department under this constitution, be issued under the authority of the territory of Dakota, shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the territory of Dakota, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations or be altered or repealed.

SEC. 3. All fines, penalties, forfeitures and escheats accruing to the territory of Dakota shall accrue to the use of the states of North Dakota and South Dakota and may be sued for and recovered by either of said states as necessity may require.

SEC. 4. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the state; all bonds, obligations or other undertakings executed to this territory, or to any officer in his official capacity, shall pass over to the proper state authority, and to their successors in office, for the use therein respectively expressed, and may be sued for and recovered accordingly; all criminal prosecutions and penal actions, which have arisen or may arise before the organization of the judicial department, under this constitution, or which shall then be pending, may be prosecuted to judgment and execution in the name of the state.

[18] [Article XXI] is a new article; it was proposed and adopted by the legislature of 1891, re-adopted by the legislature of 1893, and ratified at the election of Nov. 6, 1894. By the measure proposing this amendment, no article or section number has been assigned to it and for convenience it is placed here as Article XXI, § 1.

[19] [Article XXII] is a new article; it was proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911, and ratified at the election of Nov. 5, 1912. By the measure proposing this amendment, no article or section number was assigned and for convenience it is placed here as Article XXII, § 1.

[20] [Article XXIII] is a new article; it was proposed by the legislature of 1911, adopted by the legislature of 1913, and ratified at the election of Nov. 3, 1914. No article or section numbers were assigned to this amendment and for convenience it is inserted here as Article XXIII, § 1.

SEC. 5. All property, real and personal, and credits, claims and choses in action belonging to the territory of Dakota at the time of the adoption of this constitution, shall be vested in and become the property of the states of North Dakota and South Dakota.

SEC. 6. Whenever any two of the judges of the supreme court of the state, elected under the provisions of this constitution, shall have qualified in their offices, the causes then pending in the supreme court of the territory on appeal or writ of error from the district courts of any county or subdivision within the limits of this state, and the papers, records and proceedings of said court shall pass into the jurisdiction and possession of the supreme court of the state, except as otherwise provided in the enabling act of congress, and until so superseded the supreme court of the territory and judges thereof shall continue, with like powers and jurisdiction as if this constitution had not been adopted. Whenever the judge of the district court of any district elected under the provisions of this constitution shall have qualified in this office, the several causes then pending in the district court of the territory within any county in such district, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the state for such county, except as provided in the enabling act of congress, and until the district courts of this territory shall be superseded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory.

SEC. 7. Until otherwise provided by law, the seals now in use in the supreme and district courts of this territory are hereby declared to be the seals of the supreme and district courts respectively of the state.

SEC. 8. Whenever this constitution shall go into effect, the books, records and papers and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the county court of the same county, and the said county court shall proceed to final decree or judgment, order or other determination in the said several matters and causes as the said probate court might have done if this constitution had not been adopted. And until the election and qualification of the judges of the county courts provided for in this constitution, the probate judges shall act as the judges of the county courts within their respective counties, and the seal of the probate court in each county shall be the seal of the county court therein until the said court shall have procured a proper seal.

SEC. 9. The terms "probate court" or "probate judge," whenever occurring in the statutes of the territory, shall after this constitution goes into effect, be held to apply to the county court or county judge.

SEC. 10. All territorial, county and precinct officers, who may be in office at the time this constitution takes effect, whether holding their offices under the authority of the United States or of the territory, shall hold and exercise their respective offices, and perform the duties thereof as prescribed in this constitution, until their successors shall be elected and qualified in accordance with the provisions of this constitution, and official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted, and such officers for their term of service, under this constitution, shall receive the same salaries and compensation as is by this constitution or by the laws of the territory, provided for like officers; provided, that the county and precinct officers shall hold their office for the term for which they were elected. There shall be elected in each organized county in this state, at the election to be held for the ratification of this constitution, a clerk of the district court, who shall hold his office under said election until his successor is duly elected and qualified. The judges of the district court shall have power to appoint state's attorneys in any organized counties where no such attorneys have been elected, which appointment shall continue until the general election to be held in 1890, and until his successor is elected and qualified.

SEC. 11. This constitution shall take effect and be in full force immediately on the admission of the territory as a state.

SEC. 12. Immediately upon the adjournment of this convention the governor the territory, or, in case of his absence, or failure to act, the secretary of the rritory, or in case of his absence or failure to act, the president of the con- tutional convention shall issue a proclamation, which shall be published and py thereof mailed to the chairman of the board of county commissioners of ch county, calling an election by the people on the first Tuesday in October, 89, of all the state and district officers created and made elective by this con- tution. This constitution shall be submitted for adoption or rejection at id election to a vote of the electors qualified by the laws of this territory to te at all elections. At the election provided for herein the qualified voters shall te directly for or against this constitution and for or against the article sepa- tely submitted.

SEC. 13. The board of commissioners of the several counties shall thereupon ler such election for said day, and shall cause notice thereof to be ren for the period of twenty days, in the manner provided by law. Every quali- l elector of the territory, at the date of said election, shall be entitled to vote ereat. Such election shall be conducted in all respects in the same manner provided by the laws of the territory for general elections, and the returns all state and district officers, and members of the legislative assembly, ll be made to the canvassing board hereinafter provided for.

SEC. 14. The governor, secretary and chief justice, or a majority of them, ll constitute a board of canvassers to canvass the vote of such election all state and district officers and members of the legislative assembly. e said board shall assemble at the seat of government of the territory on fifteenth day after the day of such election (or on the following day if h day falls on Sunday), and proceed to canvass the votes on the adoption of s constitution and for all state and district officers and members of the islative assembly in the manner provided by the laws of the territory for vassing the vote for delegate to congress, and they shall issue certificates election, to the persons found to be elected to said offices severally, and ll make and file with the secretary of the territory an abstract certified them, of the number of votes cast for or against the adoption of the con- ution, and for each person for each of said offices, and of the total num- of votes cast in each county.

SEC. 15. All officers elected at such election shall, within sixty days after date of the executive proclamation admitting the state of North Dakota the union, take the oath required by this constitution, and give the same d required by the law of the territory to be given in case of like officers the territory and districts, and shall thereupon enter upon the duties of ir respective offices, but the legislative assembly may require by law all such ers to give other or further bonds as a condition of their continuance in e.

SEC. 16. The judges of the district court who shall be elected at the tion herein provided for shall hold their offices until the first Monday in uary, 1893, and until their successors are elected and qualified. All other e officers, except judges of the supreme court, who shall be elected at the tion herein provided for, shall hold their offices until the first Monday January, 1891, and until their successors are elected and qualified. Until erwise provided by law, the judges of the supreme court shall receive for ir services the salary of four thousand dollars per annum, payable quar- ; and the district judges shall receive for their services the salary of three usand dollars per annum, payable quarterly.

SEC. 17. The governor-elect of the state immediately upon his qualifying entering upon the duties of his office shall issue his proclamation convening legislative assembly of the state at the seat of government on a day to amed in said proclamation, and which shall not be less than fifteen nor than forty days after the date of such proclamation. And said legisla- assembly after organizing shall proceed to elect two senators of the ed States for the State of North Dakota; and at said election the two

persons who shall receive a majority of all the votes cast by the said sen tors and representatives shall be elected such United States senator. A the presiding officers of the senate and house of representatives shall ea certify the election to the governor and secretary of the State of Nor Dakota; and the governor and secretary of state shall certify the election such senators as provided by law.

SEC. 18. At the election herein provided for there shall be elected representative to the fifty-first congress of the United States, by the electo of the state at large.

SEC. 19. It is hereby made the duty of the legislative assembly at first session to provide for the payment of all debts and indebtedness authoriz to be incurred by the constitutional convention of North Dakota, which sh remain unpaid after the appropriation made by congress for the same sh have been exhausted.

SEC. 20. There shall be submitted to the same election at which t constitution is submitted for rejection or adoption, article 20, entitled, "Pro bition," and persons who desire to vote for said article shall have written printed on their ballots "For Prohibition," and all persons desiring to v against said article shall have written or printed on their ballots "Agai Prohibition." If it shall appear according to the returns herein provided that a majority of all votes cast at said election for and against prohibiti are for prohibition, then said article 20 shall be and form a part of this c stitution and be in full force and effect as such from the date of the admiss of this state into the union. But if a majority of said votes shall appear acco ing to said returns to be against prohibition then said article 20 shall null and void and shall not be a part of this constitution.

SEC. 21. The agreement made by the joint commission of the consti tional conventions of North Dakota and South Dakota concerning the reco books and archives of the Territory of Dakota is hereby ratified and confirm which agreement is in the words following: That is to say:

The following books, records and archives of the Territory of Dak shall be the property of North Dakota, to-wit: All records, books and archi in the offices of the governor and secretary of the territory (except records articles of incorporation of domestic corporations, returns of election of d gates to the constitutional convention of 1889 for South Dakota, returns elections held under the so-called local option law, in counties within limits of South Dakota, bonds of notaries public appointed for counties wit the limits of South Dakota, papers relating to the organization of coun situate within the limits of South Dakota, all which records and archi are a part of the records and archives of said secretary's office; except also census returns from counties situate within the limits of South Dak and papers relating to requisitions issued upon the application of officers counties situate within the limits of South Dakota, all of which are a p of the records and archives of said governor's office).

And the following records, books and archives shall also be the prop of the State of North Dakota, to-wit: Vouchers in the office or custody the auditor of this territory relating to expenditures on account of pu institutions, grounds or buildings situate within the limits of North Dak One warrant register in the office of the treasury of this territory—bein record of warrants issued under and by virtue of chapter 24 of the laws ena by the eighteenth legislative assembly of Dakota territory. All letters, rec and vouchers in the same office now filed by counties and pertaining to cou within the limits of North Dakota. Paid and cancelled coupons in the s office representing interest on bonds which said state of North Dakota i assume and pay. Reports of gross earnings of the year 1888 in the same o made by corporations operating lines for railroad situated wholly or ma within the limits of North Dakota. Records and papers of the office of public examiner of the second district of the territory. Records and pa of the office of the district board of agriculture. Records and papers in office of the board of pharmacy of the District of North Dakota.

All records, books and archives of the Territory of Dakota which is

herein agreed shall be the property of North Dakota, shall be the property of South Dakota.

The following books shall be copied and the copies shall be the property of North Dakota, and the cost of such copies shall be borne equally by said states of North Dakota and South Dakota, That is to say:

Appropriation ledger for years ending November, 1889-90—one volume.
The auditor's current warrant register—one volume.
Insurance record for 1889—one volume.
Treasurer's cash book—"D."
Assessment ledger—"B."
Dakota Territory bond register—one volume.
Treasurer's current ledger—one volume.

The originals of the foregoing volumes which are to be copied shall at any time after such copying shall have been completed be delivered on demand to the proper authorities of the State of South Dakota.

All other records, books and archives, which it is hereby agreed shall be the property of South Dakota, shall remain at the capitol of North Dakota until demanded by the legislature of the State of South Dakota, and until the State of North Dakota shall have had a reasonable time after such demand is made to provide copies or abstracts of such portions thereof as the said State of North Dakota may desire to have copies or abstracts of.

The State of South Dakota may also provide copies or abstracts of such records, books and archives, which it is agreed shall be the property of North Dakota, as said State of South Dakota shall desire to have copies or abstracts of. The expenses of all copies or abstracts of records, books, and archives which it is herein agreed may be made, shall be borne equally by said two states.

SEC. 22. Should the counties containing lands which form a part of the grant of lands made by congress to the Northern Pacific railroad company, be compelled by law to refund moneys paid for such lands or any of them by purchasers thereof at tax sales thereof, based upon taxes illegally levied upon said lands, then and in that case the State of North Dakota shall appropriate the sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary to reimburse said counties for the amount so received from said illegal tax sales and paid by said counties into the treasury of Dakota Territory.

SEC. 23. This constitution shall after its enrollment be signed by the president of this convention and the chief clerk thereof, and such delegates as desire to sign the same, whereupon it shall be deposited in the office of the secretary of the territory, where it may be signed at any time by any delegate who shall be prevented from signing the same for any reason at the time of the adjournment of this convention.

SEC. 24. In case the territorial officers of the Territory of Dakota, or any of them who are now required by law to report to the governor of the territory, annually or biennially, shall prepare and publish such reports covering the transactions of their offices up to the time of the admission of the State of North Dakota into the union, the legislative assembly shall make sufficient appropriations to pay one-half of the cost of such publication.

SEC. 25. The governor and secretary of the territory are hereby authorized to make arrangements for the meeting of the first legislative assembly, and the inauguration of the state government.

SEC. 26. The legislative assembly shall provide for the editing and for the publication in an independent volume, of this constitution, as soon as it shall take effect, and whenever it shall be altered or amended, and shall cause to be published in the same volume the declaration of independence, the constitution of the United States and the enabling act.

Done at Bismarck, Dakota, in open convention, this 17th day of August, A. D. 1889.

F. B. FANCHER,
President.

JOHN G. HAMILTON,
Chief Clerk.

CONSTITUTION OF OHIO—1851 AND 1912.*

We, the people of the State of Ohio, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare, do establish this constitution.

ARTICLE I.

BILLS OF RIGHTS.

SECTION 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

SEC. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same, whenever they may deem it necessary; and no special privileges or immunities shall ever be granted, that may not be altered, revoked, or repealed by the General Assembly.

SEC. 3. The people have the right to assemble together, in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the General Assembly for the redress of grievances.

SEC. 4. The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be kept up; and the military shall be in strict subordination to the civil power.

SEC. 5. The right of trial by jury shall be inviolate, except that, in civil cases, laws may be passed to authorize the rendering of a verdict by the concurrence of not less than three-fourths of the jury.[1]

[1] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 345,686 to 203,963.

SEC. 6. There shall be no slavery in this state, nor involuntary servitude, unless for the punishment of crime.

SEC. 7. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted. No religious test shall be required, as a qualification for office, nor shall any person be incompetent to be a witness on account of his religious belief; but nothing herein shall be construed to dispense with oaths and affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools, and the means of instruction.

* The constitution of Ohio is based on the constitution of 1851 as amended by convention in 1912. The second constitutional convention of Ohio assembled at Columbus on May 6, 1850, and remained in session there until July 9, when it adjourned to meet in Cincinnati on Dec. 2, and continued in session until March 10, 1851. The constitution was submitted to the electors on June 17, 1851, and was ratified by a vote of 125,564 to 109,276, excluding the vote of Defiance and Auglaize counties. The question of granting licenses to sell intoxicating liquors, being Section 18 of the Schedule, was submitted as a separate proposition and was rejected by a vote of 113,237 to 104,255. The third constitutional convention convened at Columbus on May 13, 1873, and remained in session there until Aug. 8, when it adjourned to meet in Cincinnati on Dec. 2, and remained in session until its final adjournment on May 15, 1874. The constitution as submitted to the electors was rejected, together with three propositions separately submitted, at the election of Aug. 18, 1874. The fourth constitutional convention assembled at Columbus on Jan. 9, 1912, and adjourned on Aug. 26, 1912. It submitted forty-one amendments and a separate proposition for and against the granting of licenses to traffic in intoxicating liquors. These proposed amendments were voted on at a special election held on Sept. 3, 1912, and thirty-four were adopted and eight were rejected.

SEC. 8. The privilege of the writ of habeas corpus shall not be suspended, unless in cases of rebellion or invasion, the public safety require it.

SEC. 9. All persons shall be bailable by sufficient sureties, except for capital offenses where the proof is evident, or the presumption great. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishment inflicted.

SEC. 10. Except in cases of impeachment, cases arising in the army and navy, or in the militia when in actual service in time of war or public danger, and cases involving offenses for which the penalty provided is less than imprisonment in the penitentiary, no person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury; and the number of persons necessary to constitute such grand jury and the number thereof necessary to concur in finding such indictment shall be determined by law. In any trial, in any court, the party accused shall be allowed to appear and defend in person and with counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witness face to face, and to have compulsory process to procure the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed; but provision may be made by law for the taking of the deposition by the accused or by the state, to be used for or against the accused, of any witness whose attendance can not be had at the trial, always securing to the accused means and the opportunity to be present in person and with counsel at the taking of such deposition, and to examine the witness face to face as fully and in the same manner as if in court. No person shall be compelled, in any criminal case, to be a witness against himself; but his failure to testify may be considered by the court and jury and may be made the subject of comment by counsel. No person shall be twice put in jeopardy for the same offense.[2]

SEC. 11. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions for libel the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

SEC. 12. No person shall be transported out of the state, for any offense committed within the same; and no conviction shall work corruption of blood, or forfeiture of estate.

SEC. 13. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner prescribed by law.

SEC. 14. The right of the people to be secure in their persons, houses, papers and possessions against unreasonable searches and seizures shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud.

SEC. 16. All courts shall be open, and every person, for an injury done him in his land, goods, person, or reputation, shall have remedy by due course of law, and shall have justice administered without denial or delay. Suits may be brought against the state, in such courts and in such manner, as may be provided by law.[3]

SEC. 17. No hereditary emoluments, honors, or privileges, shall ever be granted or conferred by this state.

SEC. 18. No power of suspending laws shall ever be exercised, except by the General Assembly.

[2] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, a vote of 221,717 to 227,547.

[3] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, a vote of 306,764 to 216,634.

SEC. 19. Private property shall ever be held inviolate but subservient to the public welfare. When taken in time of war, or other public exigency imperatively requiring its immediate seizure or for the purpose of making or repairing roads, which shall be open to the public, without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money, and such compensation shall be assessed by a jury, without deduction for benefits to any property of the owner.

SEC. 19a. The amount of damages recoverable by civil action in the courts for death caused by the wrongful act, neglect, or default of another, shall not be limited by law.[4]

SEC. 20. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers, not herein delegated, remain with the people.

ARTICLE II.

LEGISLATIVE.

SECTION 1. The legislative power of the state shall be vested in a general assembly consisting of a senate and house of representatives but the people reserve to themselves the power to propose to the general assembly laws and amendments to the constitution, and to adopt or reject the same at the polls on a referendum vote as hereinafter provided. They also reserve the power to adopt or reject any law, section of any law or any item in any law appropriating money passed by the general assembly, except as hereinafter provided, and independent of the general assembly to propose amendments to the constitution and to adopt or reject the same at the polls. The limitations expressed in the constitution, on the power of the general assembly to enact laws, shall be deemed limitations on the power of the people to enact laws.

SEC. 1a. The first aforestated power reserved by the people is designated the initiative, and the signatures of ten per centum of the electors shall be required upon a petition to propose an amendment to the constitution. When a petition signed by the aforesaid required number of electors, shall have been filed with the secretary of state, and verified as herein provided, proposing an amendment to the constitution, the full text of which shall have been set forth in such petition, the secretary of state shall submit for the approval or rejection of the electors, the proposed amendment, in the manner hereinafter provided, at the next succeeding regular or general election in any year occurring subsequent to ninety days after the filing of such petition. The initiative petitions, above described, shall have printed across the top thereof: "Amendment to the Constitution Proposed by Initiative Petition to be Submitted Directly to the Electors."[5]

SEC. 1b. When at any time, not less than ten days prior to the commencement of any session of the general assembly, there shall have been filed with the secretary of state a petition signed by three per centum of the electors and verified as herein provided, proposing a law, the full text of which shall have been set forth in such petition, the secretary of state shall transmit the same to the general assembly as soon as it convenes. If said proposed law shall be passed by the general assembly, either as petitioned for or in an amended form, it shall be subject to the referendum. If it shall not be passed, or if it shall be passed in an amended form, or if no action shall be taken thereon within four months from the time it is received by the general assembly, it shall be submitted by the secretary of state to the electors for their approval or rejection at the next regular or general election, if such submission shall be demanded by supplementary petition verified as herein provided and signed by not less than three per centum of the electors in addition

[4] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 355,605 to 195,216. Section 19a is a new section which was not found in the constitution of 1851.

[5] Sections 1 to 1g, inclusive, are amendatory sections proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 312,592 to 231,312. These sections became effective on Oct. 1, 1912.

o those signing the original petition, which supplementary petition must be igned and filed with the secretary of state within ninety days after the pro- osed law shall have been rejected by the general assembly or after the ex- iration of such term of four months, if no action has been taken thereon, r after the law as passed by the general assembly shall have been filed by he governor in the office of the secretary of state. The proposed law shall e submitted in the form demanded by such supplementary petition, which orm shall be either as first petitioned for or with any amendment or amend- ents which may have been incorporated therein by either branch or by both ranches of the general assembly. If a proposed law so submitted is approved y a majority of the electors voting thereon, it shall be the law and shall o into effect as herein provided in lieu of any amended form of said law which ay have been passed by the general assembly, and such amended law passed y the general assembly shall not go into effect until and unless the law pro- osed by supplementary petition shall have been rejected by the electors. All ch initiative petitions, last above described, shall have printed across the p thereof, in case of proposed laws: "Law Proposed by Initiative Petition irst to be Submitted to the General Assembly." Ballots shall be so printed s to permit an affirmative or negative vote upon each measure submitted to e electors. Any proposed law or amendment to the constitution submitted the electors as provided in section 1a and section 1b, if approved by a ajority of the electors voting thereon, shall take effect thirty days after the ection at which it was approved and shall be published by the secretary of ate. If conflicting proposed laws or conflicting proposed amendments to the nstitution shall be approved at the same election by a majority of the total mber of votes cast for and against the same, the one receiving the highest mber of affirmative votes shall be the law, or in the case of amendments to e constitution shall be the amendment to the constitution. No law proposed initiative petition and approved by the electors shall be subject to the veto the governor.[5]

Sec. 1c. The second aforestated power reserved by the people is designated e referendum, and the signatures of six per centum of the electors shall required upon a petition to order the submission to the electors of the ate for their approval or rejection, of any law, section of any law or any em in any law appropriating money passed by the general assembly. No law ssed by the general assembly shall go into effect until ninety days after shall have been filed by the governor in the office of the secretary of state, cept as herein provided. When a petition, signed by six per centum of the ctors of the state and verified as herein provided, shall have been filed with secretary of state within ninety days after any law shall have been filed the governor in the office of the secretary of state, ordering that such w, section of such law or any item in such law appropriating money be sub tted to the electors of the state for their approval or rejection, the secretary state shall submit to the electors of the state for their approval or rejec- n such law, section or item, in the manner herein provided, the next suc- eding regular or general election in any year occurring subsequent to sixty ys after the filing of such petition, and no such law, section or item shall into effect until and unless approved by a majority of those voting upon same. If, however, a referendum petition is filed against any such section item, the remainder of the law shall not thereby be prevented or delayed m going into effect.[5]

Sec. 1d. Laws providing for tax levies, appropriations for the current ex- ses of the state government and state institutions, and emergency laws neces- y for the immediate preservation of the public peace, health or safety, shall into immediate effect. Such emergency laws upon a yea and nay vote st receive the vote of two-thirds of all the members elected to each branch the general assembly, and the reasons for such necessity shall be set forth one section of the law, which section shall be passed only upon a yea and Vote, upon a separate roll call thereon. The laws mentioned in this sec- shall not be subject to the referendum.[5]

Sec. 1e. The powers defined herein as the "initiative" and "referendum"

shall not be used to pass a law authorizing any classification of property fo the purpose of levying different rates of taxation thereon or of authorizin the levy of any single tax on land or land values or land sites at a highe rate or by a different rule than is or may be applied to improvements thereo or to personal property.[5]

SEC. 1f. The initiative and referendum powers are hereby reserved to th people of each municipality on all questions which such municipalities ma now or hereafter be authorized by law to control by legislative action; suc powers shall be exercised in the manner now or hereafter provided by law

SEC. 1g. Any initiative, supplementary or referendum petition may be pr sented in separate parts but each part shall contain a full and correct copy the title, and the text of the law, section or item thereof sought to be r ferred, or the proposed law or proposed amendment to the constitution. Eac signer of any initiative, supplementary or referendum petition must be a elector of the state and shall place on such petition after his name the da of signing and his place of residence. A signer residing outside of a munic pality shall state the township and county in which he resides. A reside of a municipality shall state in addition to the name of such municipalit the street and number, if any, of his residence and the ward and precinct which the same is located. The names of all signers to such petitions sha be written in ink, each signer for himself. To each part of such petiti shall be attached the affidavit of the person soliciting the signatures to th same, which affidavit shall contain a statement of the number of the signe of such part of such petition and shall state that each of the signatur attached to such part was made in the presence of the affiant, that to t best of his knowledge and belief each signature on such part is the genui signature of the person whose name it purports to be, that he believes t persons who have signed it to be electors, that they so signed said petiti with knowledge of the contents thereof, that each signer signed the same the date stated opposite his name; and no other affidavit thereto shall be r quired. The petition and signatures upon such petitions, so verified, shall presumed to be in all respects sufficient, unless not later than forty days befo the election, it shall be otherwise proved and in such event ten additional da shall be allowed for the filing of additional signatures to such petition. law or amendment to the constitution submitted to the electors by initiati and supplementary petition and receiving an affirmative majority of the vo cast thereon, shall be held unconstitutional or void on account of the insu ciency of the petitions by which such submission of the same was procure nor shall the rejection of any law submitted by referendum petition be he invalid for such insufficiency. Upon all initiative, supplementary and refere dum petitions provided for in any of the sections of this article, it shall necessary to file from each of one-half of the counties of the state, petiti bearing the signatures of not less than one-half of the designated percentage the electors of such county. A true copy of all laws or proposed laws proposed amendments to the constitution, together with an argument or explan tion, or both, for, and also an argument or explanation, or both, against same, shall be prepared. The person or persons who prepare the argument explanation, or both, against any law, section or item, submitted to the elect by referendum petition, may be named in such petition and the persons w prepare the argument or explanation, or both, for any proposed law or p posed amendment to the constitution may be named in the petition propos the same. The person or persons who prepare the argument or explanati or both, for the law, section or item, submitted to the electors by referend petition, or against any proposed law submitted by supplementary petiti shall be named by the general assembly, if in session, and if not in sess then by the governor. The secretary of state shall cause to be printed the l or proposed law, or proposed amendment to the constitution, together w the arguments and explanations, not exceeding a total of three hundred wo for each, and also the arguments and explanations, not exceeding a total three hundred words against each, and shall mail, or otherwise distribute copy of such law, or proposed law, or proposed amendment to the constituti

together with such arguments and explanations for and against the same to each of the electors of the state, as far as may be reasonably possible. Unless otherwise provided by law, the secretary of state shall cause to be placed upon the ballots, the title of any such law, or proposed law, or proposed amendment to the constitution, to be submitted. He shall also cause the ballots so to be printed as to permit an affirmative or negative vote upon each law, section of law, or item in a law appropriating money, or proposed law or proposed amendment to the constitution. The style of all laws submitted by initiative and supplementary petition shall be: "Be it Enacted by the People of the State of Ohio," and of all constitutional amendments: "Be It Resolved by the People of the State of Ohio." The basis upon which the required number of petitioners in any case shall be determined shall be the total number of votes cast for the office of governor at the last preceding election therefor. The foregoing provisions of this section shall be self-executing, except as herein otherwise provided. Laws may be passed to facilitate their operation, but in no way limiting or restricting either such provision or the powers herein reserved.[5]

SEC. 2. Senators and representatives shall be elected biennially by the electors of the respective counties or districts, on the first Tuesday after the first Monday in November; their term of office shall commence on the first day of January next thereafter, and continue two years.[6]

SEC. 3. Senators and representatives shall have resided in their respective counties, or districts, one year next preceding their election, unless they shall have been absent on the public business of the United States, or of this state.

SEC. 4. No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in, the General Assembly; but this provision shall not extend to township officers, justices of the peace, notaries public, or officers of the militia.

SEC. 5. No person hereafter convicted of an embezzlement of the public funds shall hold any office in this state; nor shall any person, holding public money for disbursement, or otherwise, have a seat in the General Assembly until he shall have accounted for, and paid such money into the treasury.

SEC. 6. Each house shall be judge of the election, returns and qualifications of its own members; a majority of all the members elected to each house shall be a quorum to do business; but a less number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalities, as shall be prescribed by law.

SEC. 7. The mode of organizing the house of representatives at the commencement of each regular session, shall be prescribed by law.

SEC. 8. Each house, except as otherwise provided in this constitution, shall choose its own officers, may determine its own rules of proceeding, punish its members for disorderly conduct; and, with the concurrence of two-thirds, expel a member, but not the second time for the same cause; and shall have all powers, necessary to provide for its safety and the undisturbed transaction of its business, and to obtain, through committees or otherwise, information affecting legislative action under consideration or in contemplation, or with reference to any alleged breach of its privileges or misconduct of its members, and to that end to enforce the attendance and testimony of witnesses, and the production of books and papers.[7]

SEC. 9. Each house shall keep a correct journal of its proceedings, which shall be published. At the desire of any two members, the yeas and nays shall be entered upon the journal; and, on the passage of every bill, in either house, the vote shall be taken by yeas and nays, and entered upon the journal; and no law shall be passed in either house without the concurrence of a majority of all the members elected thereto.

[5] Amendment proposed by the legislature of 1885 and ratified at the election of Oct. 13, 1885. The text of the original section is as follows: Sec. 2. Senators and representatives shall be elected biennially, by the electors in the respective counties or districts, on the second Tuesday of October; their term of office shall commence on the first day of January next thereafter, and continue two years.

[7] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 348,779 to 175,237.

SEC. 10. Any member of either house shall have the right to protest against any act, or resolution thereof; and such protest, and the reasons therefor, shall, without alteration, commitment, or delay, be entered upon the journal.

SEC. 11. All vacancies which may happen in either house shall, for the unexpired term, be filled by election, as shall be directed by law.

SEC. 12. Senators and representatives, during the session of the General Assembly, and in going to and returning from the same, shall be privileged from arrest, in all cases, except treason, felony or breach of the peace; and for any speech, or debate, in either house, they shall not be questioned elsewhere.

SEC. 13. The proceedings of both houses shall be public, except in cases which, in the opinion of two-thirds of those present, require secrecy.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than two days, Sundays excluded; nor to any other place than that in which the two houses shall be in session.

SEC. 15. Bills may originate in either house; but may be altered, amended or rejected in the other.

SEC. 16. Every bill shall be fully and distinctly read on three different days, unless in case of urgency three-fourths of the house in which it shall be pending, shall dispense with the rule. No bill shall contain more than one subject, which shall be clearly expressed in its title, and no law shall be revived, or amended unless the new act contains the entire act revived, or the section or sections amended, and the section or sections so amended shall be repealed. Every bill passed by the general assembly shall, before it becomes a law, be presented to the governor for his approval. If he approves, he shall sign it and thereupon it shall become a law and be filed with the secretary of state. If he does not approve it, he shall return it with his objections in writing, to the house in which it originated, which shall enter the objections at large upon its journal, and may then reconsider the vote on its passage. If three-fifths of the members elected to that house vote to repass the bill, it shall be sent, with the objections of the governor, to the other house, which may also reconsider the vote on its passage. If three-fifths of the members elected to that house vote to repass it, it shall become a law notwithstanding the objections of the governor, except that in no case shall a bill be repassed by a smaller vote than is required by the constitution on its original passage. In all such cases the vote of each house shall be determined by yeas and nays and the names of the members voting for and against the bill shall be entered upon the journal. If a bill shall not be returned by the governor within ten days, Sundays excepted, after being presented to him, it shall become a law in like manner as if he had signed it, unless the general assembly by adjournment prevents its return; in which case, it shall become a law unless, within ten days after such adjournment, it shall be filed by him, with his objections in writing, in the office of the secretary of state. The governor may disapprove any item or items in any bill making an appropriation of money and the item or items, so disapproved, shall be void, unless repassed in the manner herein prescribed for the repassage of a bill.[8]

SEC. 17. The presiding officer of each house shall sign, publicly in the presence of the house over which he presides, while the same is in session and capable of transacting business, all bills and joint resolutions passed by the General Assembly.

SEC. 18. The style of the laws of this state shall be, "Be it enacted by the General Assembly of the State of Ohio."

SEC. 19. No senator or representative shall, during the term for which h

[8] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 282,412 to 255,186. The original section was modified by an amendment proposed by the legislature of 1902 and ratified at the election of Nov. 3, 1903. The text of the original section is as follows: Sec. 16. Every bill shall be fully and distinctly read, on three different days, unless, in case of urgency, three-fourths of the house in which it shall be pending, shall dispense with this rule. No bill shall contain more than one subject, which shall be clearly expressed in its title; and no law shall be revived, or amended, unless the new act contain the entire act revived, or the section or sections amended; and the section, or sections, so amended, shall be repealed.

shall have been elected, or for one year thereafter, be appointed to any civil office under this state, which shall be created or the emoluments of which shall have been increased, during the term for which he shall have been elected.

SEC. 20. The General Assembly, in cases not provided for in this constitution, shall fix the term of office and the compensation of all officers; but no change therein shall affect the salary of any officer during his existing term, unless the office be abolished.

SEC. 21. The General Assembly shall determine, by law, before what authority, and in what manner the trial of contested elections shall be conducted.

SEC. 22. No money shall be drawn from the treasury, except in pursuance of a specific appropriation, made by law; and no appropriation shall be made for a longer period than two years.

SEC. 23. The house of representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachment shall be tried by the Senate; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

SEC. 24. The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office, under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial and judgment, according to law.

SEC. 25. All regular sessions of the General Assembly shall commence on the first Monday of January, biennially. The first session, under this constitution, shall commence on the first Monday of January, one thousand eight hundred and fifty-two.

SEC. 26. All laws, of a general nature, shall have a uniform operation throughout the state; nor, shall any act, except such as relates to public schools, be passed, to take effect upon the approval of any other authority than the General Assembly, except, as otherwise provided in this constitution.

SEC. 27. The election and appointment of all officers, and the filling of all vacancies, not otherwise provided for by this constitution, or the constitution of the United States, shall be made in such manner as may be directed by law; but no appointing power shall be exercised by the General Assembly, except as prescribed in this constitution, and in the election of the United States senators; and in these cases the vote shall be taken "viva voce."

SEC. 28. The General Assembly shall have no power to pass retroactive laws, or laws impairing the obligation of contracts; but may, by general laws, authorize courts to carry into effect, upon such terms as shall be just and equitable, the manifest intention of parties, and officers, by curing omissions, defects, and errors, in instruments and proceedings, arising out of their want of conformity with the laws of this state.

SEC. 29. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid, on any claim, the subject matter of which shall not have been provided for by pre-existing law, unless such compensation, or claim, be allowed by two-thirds of the members elected to each branch of the General Assembly.

SEC. 30. No new county shall contain less than four hundred square miles of territory, nor shall any county be reduced below that amount; and all laws creating new counties, changing county lines, or removing county seats, shall, before taking effect, be submitted to the electors of the several counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of all the electors voting at such election, in each of said counties; but any county now or hereafter containing one hundred thousand inhabitants, may be divided, whenever a majority of the voters residing in each of the proposed divisions shall approve of the law passed for that purpose; but no town or city within the same shall be divided, nor shall either of the divisions contain less than twenty thousand inhabitants.

SEC. 31. The members and officers of the General Assembly shall receive a fixed compensation, to be prescribed by law, and no other allowance or perquisites, either in the payment of postage or otherwise; and no change in their compensation shall take effect during their term of office.

SEC. 32. The General Assembly shall grant no divorce, nor exercise any judicial power not herein expressly conferred.

SEC. 33. Laws may be passed to secure to mechanics, artisans, laborers, sub-contractors and material men, their just dues by direct lien upon the property upon which they have bestowed labor or for which they have furnished material. No other provision of the constitution shall impair or limit this power.[9]

SEC. 34. Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employees; and no other provision of the constitution shall impair or limit this power.[9]

SEC. 35. For the purpose of providing compensation to workmen and their dependents, for death, injuries or occupational disease, occasioned in the course of such workmen's employment, laws may be passed establishing a state fund to be created by compulsory contribution thereto by employers, and administered by the state, determining the terms and conditions upon which payment shall be made therefrom, and taking away any or all rights of action or defenses from employees and employers; but no right of action shall be taken away from any employee when the injury, disease or death arises from failure of the employer to comply with any lawful requirement for the protection of the lives, health and safety of employees. Laws may be passed establishing a board which may be empowered to classify all occupations, according to their degree of hazard, to fix rates of contribution to such fund according to such classification, and to collect, administer and distribute such fund, and to determine all rights of claimants thereto.[9]

SEC. 36. Laws may be passed to encourage forestry, and to that end areas devoted exclusively to forestry may be exempted, in whole or in part, from taxation. Laws may also be passed to provide for converting into forest reserves such lands or parts of lands as have been or may be forfeited to the state, and to authorize the acquiring of other lands for that purpose; also to provide for the conservation of the natural resources of the state, including streams, lakes, submerged and swamp lands and the development and regulation of water power and the formation of drainage and conservation districts, and to provide for the regulation of methods of mining, weighing, measuring and marketing coal, oil, gas and all other minerals.[9]

SEC. 37. Except in cases of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workmen engaged on any public work carried on or aided by the state, or any political sub-division thereof, whether done by contract or otherwise.[9]

SEC. 38. Laws shall be passed providing for the prompt removal from office upon complaint and hearing, of all officers, including state officers, judges and members of the general assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution.[9]

SEC. 39. Laws may be passed for the regulation of the use of expert witnesses and expert testimony in criminal trials and proceedings.[9]

SEC. 40. Laws may be passed providing for a system of registering, transferring, insuring and guaranteeing land titles by the state or by the counties thereof, and for settling and determining adverse or other claims to and inter-

[9] Sections 33 to 41, inclusive, are new and additional sections which were proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912. The vote by which each of these sections was ratified is as follows: Sec. 33, 278,582 to 242,385; Sec. 34, 355,588 to 189,728; Sec. 35, 321,558 to 211,772; Sec. 36, 318,192 to 191,893; Sec. 37, 333,307 to 232,898; Sec. 38, 347,333 to 185,986; Sec. 39, 336,987 to 185,458; Sec. 40, 346,373 to 171,807; and Sec. 41, 333,304 to 215,208.

osts in lands the titles to which are so registered, insured or guaranteed, and for the creation and collection of guaranty funds by fees to be assessed against lands, the titles to which are registered; and judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operation of such system.[9]

SEC. 41. Laws shall be passed providing for the occupation and employment of prisoners sentenced to the several penal institutions and reformatories in the state; and no person in any such penal institution or reformatory while under sentence thereto, shall be required or allowed to work at any trade, industry or occupation, wherein or whereby his work, or the product or profit of his work, shall be sold, farmed out, contracted or given away; and goods made by persons under sentence to any penal institution or reformatory without the State of Ohio, and such goods made within the State of Ohio, excepting those disposed of to the state or any political subdivision thereof or to any public institution owned, managed or controlled by the state or any political sub-division thereof, shall not be sold within this state unless the same are conspicuously marked "prison made." Nothing herein contained shall be construed to prevent the passage of laws providing that convicts may work for, and that the products of their labor may be disposed of to, the state or any political sub-division thereof, or for or to any public institution owned or managed and controlled by the state or any political sub-division thereof.[9]

ARTICLE III.

EXECUTIVE.

SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, and an attorney general, who shall be elected on the first Tuesday after the first Monday in November, by the electors of the state, and at the places for voting for members of the General Assembly.[10]

SEC. 2. The governor, lieutenant governor, secretary of state, treasurer, and attorney general shall hold their offices for two years; and the auditor for four years. Their terms of office shall commence on the second Monday of January next after their election, and continue until their successors are elected and qualified.

SEC. 3. The returns of every election for the officers named in the foregoing section shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the president of the senate, who, during the first week of the session, shall open and publish them, and declare the result, in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be declared duly elected; but if any two or more shall be highest, and equal in votes, for the same office, one of them shall be chosen by the joint vote of both houses.

SEC. 4. Should there be no session of the General Assembly in January next after an election for any of the officers aforesaid, the returns of such election shall be made to the secretary of state, and opened, and the result declared by the governor, in such manner as may be provided by law.

SEC. 5. The supreme executive power of this state shall be vested in the governor.

SEC. 6. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 7. He shall communicate at every session, by message, to the General Assembly, the condition of the state, and recommend such measures as he shall deem expedient.

[10] Amendment proposed by the legislature of 1885 and ratified at the election of Oct. 13, 1885. The text of the original section is as follows: Sec. 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, and an attorney general, who shall be chosen by the electors of the state, on the second Tuesday of October, and at the places of voting for members of the general assembly.

SEC. 8. The governor on extraordinary occasions may convene the general assembly by proclamation and shall state in the proclamation the purpose for which such special session is called, and no other business shall be transacted at such special session except that named in the proclamation, or in a subsequent public proclamation or message to the general assembly issued by the governor during said special session, but the general assembly may provide for the expenses of the session and other matter incidental thereto.[11]

SEC. 9. In case of a disagreement between the two houses, in respect to the time of adjournment, he shall have power to adjourn the General Assembly to such time as he may think proper, but not beyond the regular meetings thereof.

SEC. 10. He shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States.

SEC. 11. He shall have power, after conviction, to grant reprieves, commutations and pardons, for all crimes and offenses, except treason and cases of impeachment, upon such conditions as he may think proper; subject, however, to such regulations, as to the manner of applying for pardons, as may be prescribed by law. Upon conviction for treason, he may suspend the execution of sentence, and report the case to the General Assembly, at its next meeting, when the General Assembly shall either pardon, commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the General Assembly, at every regular session, each case of reprieve, commutation, or pardon granted, stating the name and crime of the convict, the sentence, its date, and the date of the commutation, pardon, or reprieve, with his reason therefor.

SEC. 12. There shall be a seal of the state, which shall be kept by the governor, and used by him officially; and shall be called "The Great Seal of the State of Ohio."

SEC. 13. All grants and commissions shall be issued in the name and by the authority of the state of Ohio; sealed with the great seal; signed by the governor, and countersigned by the secretary of state.

SEC. 14. No member of congress, or other person holding office under the authority of this state, or of the United States, shall execute the office of the governor, except as herein provided.

SEC. 15. In case of the death, impeachment, resignation, removal, or other disability of the governor, the powers and duties of the office, for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

SEC. 16. The lieutenant governor shall be president of the senate, but shall vote only when the senate is equally divided; and in case of his absence, or impeachment, or when he shall exercise the office of governor, the senate shall choose a president pro tempore.

SEC. 17. If the lieutenant governor, while executing the office of governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president of the senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.

SEC. 18. Should the office of auditor, treasurer, secretary, or attorney general become vacant, for any of the causes specified in the fifteenth section of this article, the governor shall fill the vacancy until the disability is removed, or a successor elected and qualified. Every such vacancy shall be filled by election, at the first general election that occurs more than thirty days after it shall have happened; and the person chosen shall hold the office for the full term fixed in the second section of this article.

SEC. 19. The officers mentioned in this article shall, at stated times receive

[11] Amendment proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 319,100 to 192,130.

for their services, a compensation to be established by law, which shall neither be increased nor diminished during the period for which they shall have been elected.

SEC. 20. The officers of the executive department, and of the public state institutions shall, at least five days preceding each regular session of the General Assembly, severally report to the governor, who shall transmit such reports, with his message, to the General Assembly.

ARTICLE IV.

JUDICIAL.

SECTION 1. The judicial power of the state is vested in a supreme court, courts of appeals, courts of common pleas, courts of probate, and such other courts inferior to the courts of appeals as may from time to time be established by law.[12]

SEC. 2. The supreme court shall, until otherwise provided by law, consist of a chief justice and six judges, and the judges now in office in that court shall continue therein until the end of the terms for which they were respectively elected, unless they are removed, die or resign. A majority of the supreme court shall be necessary to constitute a quorum or to pronounce a decision, except as hereinafter provided. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo, and appellate jurisdiction in all cases involving questions arising under the constitution of the United States or of this state, in cases of felony on leave first obtained, and in cases which originated in the courts of appeals, and such revisory jurisdiction of the proceedings of administrative officers as may be conferred by law. It shall hold at least one term in each year at the seat of government, and such other terms, there or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large for such term, not less than six years, as may be prescribed by law, and they shall be elected, and their official term shall begin, at such time as may now or hereafter be fixed by law. Whenever the judges of the supreme court shall be equally divided in opinion as to the merits of any case before them and are unable for that reason to agree upon a judgment, that fact shall be entered upon the record and such entry shall be held to constitute an affirmance of the judgment of the court below. No law shall be held unconstitutional and void by the supreme court without the concurrence of at least all but one of the judges, except in the affirmance of a judgment of the court of appeals declaring a law unconstitutional and void. In cases of public or great general interest the supreme court may, within such limitation of time as may be prescribed by law, direct any court of appeals to certify its record to the supreme court, and may review, and affirm, modify or reverse the judgment of the court of appeals. All cases pending in the supreme court at the time of the adoption of this amendment by the people, shall proceed to judgment in the manner provided by existing law. No law shall be passed or rule made whereby any person shall be prevented from invoking the original jurisdiction of the supreme court.[13]

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[12] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 264,922 to 244,375. The original section was modified by an amendment proposed by the legislature of 1883 and ratified on Oct. 9, 1883. The text of the original section is as follows: Section 1. The judicial power of the state shall be vested in a supreme court, in district courts, courts of common pleas, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, in one or more counties, as the general assembly may, from time to time, establish.

[13] Amendment proposed by the convention of 1912 and ratified at the election of September 3, 1912, by a vote of 264,922 to 244,375. The original section was modified by an amendment proposed by the legislature of 1883 and ratified on Oct. 9, 1883. The text of the original section is as follows: Sec. 2. The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, or to pronounce a decision. It shall have original jurisdiction in quo warranto, mandamus, habeas corpus, and procedendo, and such appellate jurisdiction as may be provided by law. It shall hold at least one term in each year, at the seat of government, and such other terms, at the seat of government, or elsewhere, as may be provided by law. The judges of the supreme court shall be elected by the electors of the state at large.

SEC. 3. One resident judge of the court of common pleas, and such additional resident judge or judges as may be provided by law, shall be elected in each county of the state by the electors of such county; and as many courts or sessions of the court of common pleas as are necessary, may be held at the same time in any county. Any judge of the court of common pleas may temporarily preside and hold court in any county; and until the general assembly shall make adequate provision therefor, the chief justice of the supreme court of the state shall pass upon the disqualification or disability of any judge of the court of common pleas, and he may assign any judge to any county to hold court therein.[14]

SEC. 4. The jurisdiction of the courts of common pleas, and of the judges thereof, shall be fixed by law.

SEC. 5. [Repealed October 9, 1883.][15]

SEC. 6. The state shall be divided into appellate districts of compact territory bounded by county lines, in each of which there shall be a court of appeals consisting of three judges, and until altered by law the circuits in which the circuit courts are now held shall constitute the appellate districts aforesaid. The judges of the circuit courts now residing in their respective districts shall be the judges of the respective courts of appeals in such districts and perform the duties thereof until the expiration of their respective terms of office. Vacancies caused by the expiration of the terms of office of the judges of the courts of appeals shall be filled by the electors of the respective appellate districts in which such vacancies shall arise. Until otherwise provided by law the term of office of such judges shall be six years. Laws may be passed to prescribe the time and mode of such election and to alter the number of districts or the boundaries thereof, but no such change shall abridge the term of any judge then in office. The court of appeals shall hold at least one term annually in each county in the district and such other terms at a county seat in the district as the judges may determine upon, and the county commissioners of any county in which the court of appeals shall hold session shall make proper and convenient provisions for the holding of such court by its judges and officers. Each judge shall be competent to exercise judicial powers in any appellate district of the state. The courts of appeals shall continue the work of the respective circuit courts and all pending cases and proceedings in the circuit courts shall proceed to judgment and be determined by the respective courts of appeals, and the supreme court, as now provided by law, and cases brought into said courts of appeals after the taking effect hereof shall be subject to the provisions hereof, and the circuit courts shall be merged into, and their work continued by, the courts of appeals. The courts of appeals shall have original jurisdiction in quo warranto, mandamus, habeas corpus, prohibition and procedendo, and appellate jurisdiction in the trial of chancery cases, and, to review, affirm, modify, or reverse the judgments of the courts of common pleas, superior courts and other courts of record, within the district as may be provided by law, and judgments of the

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[14] Amendment proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 301,891 to 223,287. The schedule to the twentieth proposition, which included Article IV, sections 3, 7, 12 and 15, is as follows: "If the foregoing amendment shall be adopted by the electors, the judges of the courts of common pleas in office, or elected thereto prior to January first, 1913, shall hold their offices for the term for which they were elected and the additional judges provided for herein, shall be elected at the general election in the year 1914; each county shall continue as a part of its existing common pleas district and sub-division thereof, until one resident judge of the court of common pleas is elected and qualified therein. This schedule was ratified on Sept. 3, by a vote of 264,922 to 244,375.

[15] Section 5 was repealed by an amendment proposed by the legislature of 1883 and ratified at the election of Oct. 9, 1883. The text of the original section is as follows: Sec. 5. District courts shall be composed of the judges of the court of common pleas of the respective districts, and one of the judges of the supreme court, any three of whom shall be a quorum, and shall be held in each county therein, at least once in each year; but if it shall be found inexpedient to hold such court annually, in each county of any district, the general assembly may, for such district, provide that said court shall hold at least three annual sessions therein, in not less than three places; provided, that the general assembly may, by law, authorize the judges of each district to fix the times of holding the courts therein.

courts of appeals shall be final in all cases, except cases involving questions arising under the constitution of the United States or of this state, cases of felony, cases of which it has original jurisdiction, and cases of public or great general interest in which the supreme court may direct any court of appeals to certify its record to that court. No judgment of a court of common pleas, a superior court or other court of record shall be reversed except by the concurrence of all the judges of the court of appeals on the weight of the evidence, and by a majority of such court of appeals upon other questions; and whenever the judges of a court of appeals find that a judgment upon which they have agreed is in conflict with a judgment pronounced upon the same question by any other court of appeals of the state, the judges shall certify the record of the case to the supreme court for review and final determination. The decisions in all cases in the supreme court shall be reported, together with the reasons therefor, and laws may be passed providing for the reporting of cases in the courts of appeals. The chief justice of the supreme court of the state shall determine the disability or disqualification of any judge of the courts of appeals and he may assign any judge of the courts of appeals to any county to hold court.[16]

SEC. 7. There shall be established in each county, a probate court, which shall be a court of record, open at all times, and holden by one judge, elected by the electors of the county, who shall hold his office for the term of four years, and shall receive such compensation, payable out of the county treasury, as shall be provided by law. Whenever ten per centum of the number of electors voting for governor at the next preceding election in any county having less than sixty thousand population as determined by the next preceding federal census, shall petition the judge of the court of common pleas of any such county not less than ninety days before any general election for county officers, the judge of the court of common pleas shall submit to the electors of such county the question of combining the probate court with the court of common pleas, and such court shall be combined and shall be known as the court of common pleas in case a majority of the electors voting upon such question vote in favor of such combination. Notice of such election shall be given in the same manner as for the election of county officers. Elections may be had in the same manner for the separation of such courts, when once combined.[17]

SEC. 8. The probate court shall have jurisdiction in probate and testamentary matters, the appointment of administrators and guardians, the settlement of the accounts of executors, administrators, and guardians, and such jurisdiction in habeas corpus, the issuing of marriage licenses, and for the sale of land by executors, administrators, and guardians, and such other jurisdiction, in any county or counties, as may be provided by law.

SEC. 9. A competent number of justices of the peace shall be elected by the electors in each township in the several counties, until otherwise provided by law. Their term of office shall be for four years, and their powers and duties shall be regulated by law; provided that no justice of the peace shall be elected in any township in which a court, other than a mayor's court, is, or may hereafter be, maintained with the jurisdiction of all causes of which justices of the peace have jurisdiction, and no justice of the peace shall have, or exercise jurisdiction in such township.

SCHEDULE.

If the amendment to article IV, sections 1, 2 and 6, be adopted by the electors of this state and become a part of the constitution, then section 9

[16] Amendment proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 264,922 to 244,375. The original section was modified by an amendment proposed by the legislature of 1883 and ratified on Oct. 9, 1883. The text of the original section is as follows: Section 6. The district court shall have like original jurisdiction with the supreme court, and such appellate jurisdiction as may be provided by law.

[17] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 301,891 to 223,287.

of article IV of the constitution is repealed, and the foregoing amendmen if adopted, shall be of no effect.[18]

SEC. 10. All judges, other than those provided for in this constitution, sha be elected, by the electors of the judicial district for which they may be create but not for a longer term of office than five years.

SEC. 11. [Repealed October 9, 1883.][19]

SEC. 12. The judges of the courts of common pleas shall, while in offic reside in the county for which they are elected; and their term of office sha be for six years.[20]

SEC. 13. In case the office of any judge shall become vacant, before th expiration of the regular term for which he was elected, the vacancy sha be filled by appointment by the governor, until a successor is elected an qualified; and such successor shall be elected for the unexpired term, at th first annual election that occurs more than thirty days after the vacancy sha have happened.

SEC. 14. The judges of the supreme court, and of the court of commo pleas, shall at stated times, receive, for their services, such compensation may be provided by law; which shall not be diminished, or increased, durin their term of office; but they shall receive no fees or perquisites, nor hold an other office of profit or trust, under the authority of this state, or of the Unite States. All votes for either of them, for any elective office, except a judici office, under the authority of this state given by the General Assembly, the people, shall be void.

SEC. 15. Laws may be passed to increase or diminish the number of judg of the supreme court, to increase beyond one or diminish to one the numb of judges of the court of common pleas in any county, and to establish oth courts, whenever two-thirds of the members elected to each house shall conc therein; but no such change, addition or diminution shall vacate the offi of any judge; and any existing court heretofore created by law shall co tinue in existence until otherwise provided.[21]

SCHEDULE.

"If the foregoing amendment shall be adopted by the electors, the judg of the courts of common pleas in office, or elected thereto prior to Janua first, 1913, shall hold their offices for the term for which they were elect and the additional judges provided for herein, shall be elected at the gener election in the year 1914; each county shall continue as a part of its existi common pleas district and sub-division thereof, until one resident judge the court of common pleas is elected and qualified therein."

SEC. 16. There shall be elected in each county, by the electors there one clerk of the court of common pleas, who shall hold his office for the ter of three years, and until his successor shall be elected and qualified. H shall, by virtue of his office, be clerk of all other courts of record held therei but, the General Assembly may provide, by law, for the election of a cle with a like term of office, for each or any other of the courts of record, a may authorize the judge of the probate court to perform the duties of cle for his court, under such regulations as may be directed by law. Clerks courts shall be removable for such cause and in such manner as shall prescribed by law.

SEC. 17. Judges may be removed from office, by concurrent resolutions

[18] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, a vote of 264,832 to 252,936. The proposed amendments to Article IV, Sections 1 and 6 were adopted; see Notes Nos. 12, 13 and 16.

[19] Section 11 was repealed by an amendment proposed by the legislature of 18 and ratified on Oct. 9, 1883. The text of the original section is as follows: SEC. The judges of the supreme court shall, immediately after the first election under t constitution, be classified by lot, so that one shall hold for the term of one year, o for two years, one for three years, one for four years, and one for five years: a at all subsequent elections, the term of each of said judges shall be for five years.

[20] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, a vote of 301,891 to 223,287.

[21] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 19 by a vote of 301,891 to 223,287.

oth houses of the General Assembly, if two-thirds of the members, elected
each house, concur therein; but no such removal shall be made, except
pon complaint, the substance of which shall be entered on the journal, nor,
ntil the party charged shall have had notice thereof, and an opportunity
be heard.

SEC. 18. The several judges of the supreme court, of the common pleas,
nd of such other courts as may be created, shall, respectively, have and
xercise such power and jurisdiction, at chambers, or otherwise, as may be
irected by law.

SEC. 19. The General Assembly may establish courts of conciliation, and
rescribe their powers and duties; but such courts shall not render final judg-
ent in any case, except upon submission, by the parties, of the matter in
ispute, and their agreement to abide such judgment.

SEC. 20. The style of all process shall be "The State of Ohio;" all prose-
utions shall be carried on, in the name, and by the authority, of the State
Ohio; and all indictments shall conclude, "against the peace and dignity
the State of Ohio."

SEC. 22. (21) A commission, which shall consist of five members, shall be
ppointed by the governor, with the advice and consent of the senate, the
embers of which shall hold office for the term of three years from and after
he first day of February, 1876, to dispose of such part of the business then
n the dockets of the supreme court, as shall, by arrangement between said
ommission and said court, be transferred to such commission; and said com-
ission shall have like jurisdiction and power in respect to such business
s are or may be vested in said court; and the members of said commission
hall receive a like compensation for the time being with the judges of said
ourt. A majority of the members of said commission shall be necessary to
orm a quorum or pronounce a decision, and its decision shall be certified,
ntered, and enforced as the judgments of the supreme court, and at the ex-
ration of the term of said commission, all business undisposed of, shall by it
certified to the supreme court and disposed of as if said commission had
ever existed. The clerk and reporter of said court shall be the clerk and
porter of said commission, and the commission shall have such other attend-
nts not exceeding in number those provided by law for said court, which
tendants said commission may appoint and remove at its pleasure. Any
acancy occurring in said commission, shall be filled by appointment of the
overnor, with the advice and consent of the senate, if the senate be in session,
nd if the senate be not in session, by the governor, but in such last case,
uch appointment shall expire at the end of the next session of the General
ssembly. The General Assembly may, on application of the supreme court
ally entered on the journal of the court and certified, provided by law,
henever two-thirds of such [each] house shall concur therein, from time to
me, for the appointment, in like manner, of a like commission with like
owers, jurisdiction and duties; provided, that the term of any such commis-
on shall not exceed two years, nor shall it be created oftener than once in
n years.[22]

ARTICLE V.

ELECTIVE FRANCHISE.

SECTION 1. Every white male citizen of the United States, of the age of
venty-one years, who shall have been a resident of the state one year next
receding the election, and of the county, township, or ward, in which he
esides, such time as may be provided by law, shall have the qualifications
f an elector, and be entitled to vote at all elections.

SEC. 2. All elections shall be by ballot.

SEC. 3. Electors, during their attendance at elections, and in going to

[22] Section 22 is a new section; it was proposed by the legislature of 1875 and
tified at the election of Oct. 12, 1875.

Sections 1, 2 and 6 of Article IV were submitted as a single proposition and were
tified together. Sections 3, 7, 12, and 15 of Article IV were submitted as a single
roposition and were ratified together.

and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony, and breach of the peace.

SEC. 4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or other infamous crime.

SEC. 5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the state, be considered a resident of this state.

SEC. 6. No idiot, or insane person, shall be entitled to the privileges of an elector.

SEC. 7. All nominations for elective state, district, county and municipal offices shall be made at direct primary elections or by petition as provided by law, and provision shall be made by law for a preferential vote for United States senator; but direct primaries shall not be held for the nomination of township officers or for the officers of municipalities of less than two thousand population, unless petitioned for by a majority of the electors of such township or municipality. All delegates from this state to the national conventions of political parties shall be chosen by direct vote of the electors. Each candidate for such delegate shall state his first and second choices for the presidency, which preferences shall be printed upon the primary ballot below the name of such candidate, but the name of no candidate for the presidency shall be so used without his written authority.[23]

ARTICLE VI.

EDUCATION.

SECTION 1. The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or entrusted to this state for educational and religious purposes, shall forever be preserved inviolate, and undiminished; and, the income arising therefrom shall be faithfully applied to the specific objects of the original grants, or appropriations.

SEC. 2. The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

SEC. 3. Provisions shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.[24]

SEC. 4. A superintendent of public instruction to replace the state commissioner of common schools, shall be included as one of the officers of the executive department to be appointed by the governor, for the term of four years, with the powers and duties now exercised by the state commissioner of common schools until otherwise provided by law, and with such other powers as may be provided by law.[24]

SCHEDULE.

If the foregoing amendment be adopted by the electors it shall take effect and become a part of the constitution on the second Monday of July, 1913.[24]

[23] Section 7 is a new and additional section; it was proposed by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 349,801 to 183,112.

[24] Sections 3 and 4 are new and additional sections; they were proposed by the convention of 1912 and ratified on Sept. 3, 1912. Section 3 was ratified by a vote of 298,460 to 213,337, and Section 4 by a vote of 256,615 to 251,946. These two sections became effective on the second Monday of July, 1913.

ARTICLE VII.

PUBLIC INSTITUTIONS.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and mb, shall always be fostered and supported by the state; and be subject such regulations as may be prescribed by the General Assembly.

SEC. 2. The directors of the penitentiary shall be appointed or elected in h manner as the General Assembly may direct; and the trustees of the evolent, and other state institutions, now elected by the General Assembly, l of such other state institutions, as may be hereafter created, shall be ointed by the governor, by and with the advice and consent of the senate: l upon all nominations made by the governor, the question shall be taken yeas and nays, and entered upon the journals of the senate.

SEC. 3. The governor shall have power to fill all vacancies that may occur the offices aforesaid, until the next session of the General Assembly, and, ll a successor to his appointee shall be confirmed and qualified.

ARTICLE VIII.

PUBLIC DEBT AND PUBLIC WORKS.

SECTION 1. The state may contract debts to supply casual deficits or ures in revenues, or to meet expenses not otherwise provided for; but aggregate amount of such debts, direct and contingent, whether contracted virtue of one or more acts of the General Assembly, or at different periods time, shall never exceed seven hundred and fifty thousand dollars; and money, arising from the creation of such debts, shall be applied to the pose for which it was obtained, or to repay the debts so contracted, and to other purpose whatever.

SEC. 2. In addition to the above limited power, the state may contract ts to repel invasion, suppress insurrection, defend the state in war, or to eem the present outstanding indebtedness of the state; but the money, arising m the contracting of such debts, shall be applied to the purpose for which was raised, or to repay such debts, and to no other purpose whatever; all debts, incurred to redeem the present outstanding indebtedness of the e, shall be so contracted as to be payable by the sinking fund, hereinafter vided for, as the same shall accumulate.

SEC. 3. Except the debts above specified in sections one and two of this cle, no debt whatever shall hereafter be created by or on behalf of the e.

SEC. 4. The credit of the state shall not, in any manner, be given or loaned or in aid of, any individual association or corporation whatever; nor shall state ever hereafter become a joint owner, or stockholder, in any com- y or association in this state, or elsewhere, formed for any purpose what- .

SEC. 5. The state shall never assume the debts of any county, city, town, township, or of any corporation whatever, unless such debts shall have n created to repel invasion, suppress insurrection, or defend the state war.

SEC. 6. No laws shall be passed authorizing any county, city, town or nship, by vote of its citizens, or otherwise, to become a stockholder in joint stock company, corporation, or association whatever; or to raise ney for, or to loan its credit to, or in aid of, any such company, corpora- , or association: provided, that nothing in this section shall prevent the ring of public buildings or property in mutual insurance associations or panies. Laws may be passed providing for the regulation of all rates rged or to be charged by any insurance company, corporation or associa organized under the laws of this state or doing any insurance business his state for profit.[25]

SEC. 7. The faith of the state being pledged for the payment of its public

[25] Amendment proposed by the convention of 1912 and ratified at the election of . 3, 1912, by a vote of 321,388 to 196,628.

debt, in order to provide therefor, there shall be created a sinking fund, whic shall be sufficient to pay the accruing interest on such debt, and, annuall to reduce the principal thereof, by a sum not less than one hundred thousan dollars, increased yearly, and each and every year, by compounding, at t rate of six per cent. per annum. The said sinking fund shall consist of th net annual income of the public works and stocks owned by the state, of any other funds or resources that are, or may be, provided by law, an of such further sum, to be raised by taxation, as may be required for th purposes aforesaid.

SEC. 8. The auditor of the state, secretary of state, and attorney gener are hereby created a board of commissioners, to be styled, "The Commissione of the Sinking Fund."

SEC. 9. The commissioners of the sinking fund shall, immediately prece ing each regular session of the General Assembly, make an estimate of t probable amount of the fund, provided for in the seventh section of this artic from all sources except from taxation, and report the same, together with their proceedings relative to said fund and the public debt, to the governor, w shall transmit the same with his regular message, to the General Assembl and the General Assembly shall make all necessary provision for raising a disbursing said sinking fund, in pursuance of the provisions of this article.

SEC. 10. It shall be the duty of the said commissioners faithfully apply said fund, together with all moneys that may be, by the General Asse bly, appropriated to that object, to the payment of the interest, as it becom due, and the redemption of the principal of the public debt of the sta excepting only, the school and trust funds held by the state.

SEC. 11. The said commissioners shall, semi-annually, make a full a detailed report of their proceedings to the governor, who shall immediate cause the same to be published, and shall also communicate the same to t General Assembly, forthwith, if it be in session, and if not, then at its fi session after such report shall be made.

SEC. 12. So long as this state shall have public works which requi superintendence, a superintendent of public works shall be appointed by t governor for the term of one year, with the powers and duties now exercis by the board of public works until otherwise provided by law, and with su other powers as may be provided by law.[26]

[Sec. 13. Repealed on Sept. 3, 1912.][27]

ARTICLE IX.

MILITIA.

SECTION 1. All white male citizens, residents of this state, being eighte years of age, and under the age of forty-five years, shall be enrolled in t militia, and perform military duty, in such manner, not incompatible with t constitution and laws of the United States, as may be prescribed by law.

SEC. 2. Majors general, brigadiers general, colonels, lieutenant colone majors, captains, and subalterns, shall be elected by the persons subject military duty, in their respective districts.

SEC. 3. The governor shall appoint the adjutant general, quarter-mast general, and such other staff officers, as may be provided for by law. Majo general, brigadiers general, colonels, or commandants of regiments, battalio or squadrons, shall, severally, appoint their staff, and captains shall appoi their non-commissioned officers and musicians.

SEC. 4. The governor shall commission all officers of the line and sta ranking as such; and shall have power to call forth the militia, to execute t laws of the state, to suppress insurrection, and repel invasion.

SEC. 5. The General Assembly shall provide, by law, for the protecti and safekeeping of the public arms.

[26] Amendment proposed by the convention of 1912 and ratified at the election Sept. 3, 1912, by a vote of 296,635 to 214,829.

[27] Section 13 was repealed by an amendment proposed by the convention of 19 and ratified at the election of Sept. 3, 1912, by a vote of 296,635 to 214,829.

ARTICLE X.

COUNTY AND TOWNSHIP ORGANIZATIONS.

SECTION 1. The General Assembly shall provide, by law, for the election of such county and township officers as may be necessary.

SEC. 2. County officers shall be elected on the first Tuesday after the first Monday in November, by the electors of each county in such manner, and for such term, not exceeding three years, as may be provided by law.[28]

SEC. 3. No person shall be eligible to the office of sheriff, or county treasurer, for more than four years, in any period of six years.

SEC. 4. Township officers shall be elected by the electors of each township, at such time, in such manner, and for such term, not exceeding three years, as may be provided by law; but shall hold their offices until their successors are elected and qualified.[29]

SEC. 5. No money shall be drawn from any county or township treasury, except by authority of law.

SEC. 6. Justices of the peace, and county and township officers, may be removed, in such manner and for such cause, as shall be prescribed by law.

SEC. 7. The commissioners of counties, the trustees of townships, and similar boards, shall have such power of local taxation, for police purposes, as may be prescribed by law.

ARTICLE XI.

APPORTIONMENT.

SECTION 1. The apportionment of this state for members of the General Assembly shall be made every ten years, after the year one thousand eight hundred and fifty-one, in the following manner: The whole population of the state, as ascertained by the federal census, or in such other mode as the General Assembly may direct, shall be divided by the number "one hundred," and the quotient shall be the ratio of representation in the house of representatives, for ten years next succeeding such apportionment.

SEC. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county containing three times said ration, shall be entitled to three representatives; and so on, requiring after the first two, an entire ratio for each additional representative. Provided, however, that each county shall have one representative.[30]

SEC. 3. When any county shall have a fraction above the ratio, so large, that being multiplied by five, the result will be equal to one or more ratios, additional representatives shall be apportioned for such ratios, among the several sessions of the decennial period, in the following manner: If there be only one ratio, a representative shall be allotted to the fifth session of the decennial period; if there are two ratios, a representative shall be allotted to the fourth and third sessions, respectively; if three, to the third, second, and first sessions, respectively; if four, to the fourth, third, second, and first sessions respectively.

SEC. 4. Any county, forming with another county or counties, a representative district, during one decennial period, if it have acquired sufficient population

[28] Amendment proposed by the legislature of 1885 and ratified on Oct. 13, 1885. The text of the original section is as follows: Sec. 2. County officers shall be elected on the second Tuesday of October, until otherwise directed by law, by the qualified electors of each county, in such manner, and for such term, not exceeding three years, as may be provided by law.

[29] Amendment proposed by the legislature of 1885 and ratified on Oct. 13, 1885. The text of the original section is as follows: Sec. 4. Township officers shall be elected on the first Monday of April, annually, by the qualified electors of their respective townships, and shall hold their offices for one year, from the Monday next succeeding their election, and until their successors are qualified.

[30] Amendment proposed by the legislature of 1903 and ratified on Nov. 3, 1903. The text of the original section is as follows: Sec. 2. Every county having a population equal to one-half of said ratio, shall be entitled to one representative; every county, containing said ratio, and three-fourths over, shall be entitled to two representatives; every county, containing three times said ratio, shall be entitled to three representatives; and so on, requiring after the first two, an entire ratio for each additional representative.

at the next decennial period, shall be entitled to a separate representation, there shall be left, in the district from which it shall have been separated population sufficient for a representative; but no such change shall be ma except at the regular decennial period for the apportionment of representativ

SEC. 5. If, in fixing any subsequent ratio, a county, previously entitled separate representation, shall have less than the number required by the n ratio for a representative, such county shall be attached to the county adjoini it, having the least number of inhabitants; and the representation of the d trict, so formed, shall be determined as herein provided.

SEC. 6. The ratio for a senator shall forever, hereafter, be ascertained dividing the whole population of the state by the number thirty-five.

SEC. 7. The state is hereby divided into thirty-three senatorial districts, follows: The county of Hamilton shall constitute the first senatorial distri the counties of Butler and Warren, the second; Montgomery and Preble, third; Clermont and Brown, the fourth; Greene, Clinton, and Fayette, the fif Ross and Highland, the sixth; Adams, Pike, Scioto, and Jackson, the seven Lawrence, Gallia, Meigs, and Vinton, the eighth; Athens, Hocking, and Fa field, the ninth; Franklin and Pickaway, the tenth; Clark, Champaign, a Madison, the eleventh; Miami, Darke, and Shelby, the twelfth; Logan, Uni Marion, and Hardin, the thirteenth; Washington and Morgan, the fourteen Muskingum and Perry, the fifteenth; Delaware and Licking, the sixteen Knox and Morrow, the seventeenth; Coshocton and Tuscarawas, the eighteen Guernsey and Monroe, the nineteenth; Belmont and Harrison, the twentie Carroll and Stark, the twenty-first; Jefferson and Columbiana, the twen second; Trumbull and Mahoning, the twenty-third; Ashtabula, Lake and Geau the twenty-fourth; Cuyahoga, the twenty-fifth; Portage and Summit, the twen sixth; Medina and Lorain, the twenty-seventh; Wayne and Holmes, the twen eighth; Ashland and Richland, the twenty-ninth; Huron, Erie, Sandusky, a Ottawa, the thirtieth; Seneca, Crawford, and Wyandot, the thirty-first; Mer Auglaize, Allen, Van Wert, Paulding, Defiance, and Williams, the thirty-seco and Hancock, Wood, Lucas, Fulton, Henry, and Putnam, the thirty-third. the first decennial period, after the adoption of this constitution, each of s districts shall be entitled to one senator, except the first district, which shall entitled to three senators.

SEC. 8. The same rules shall be applied, in apportioning the fractions senatorial districts, and in annexing districts, which may hereafter have less t three-fourth of a senatorial ratio, as are applied to representative districts.

SEC. 9. Any county forming part of a senatorial district, having acqui a population equal to a full senatorial ratio, shall be made a separate senato district, at any regular decennial apportionment, if a full senatorial ratio s be left in the district from which it shall be taken.

SEC. 10. For the first ten years, after the year one thousand eight h dred and fifty-one, the apportionment of representatives shall be as provi in the schedule, and no change shall ever be made in the principles of represe tion, as herein established, or, in the senatorial districts, except as above vided. All territory, belonging to a county at the time of any apportionm shall, as to the right of representation and suffrage, remain an integral thereof, during the decennial period.

SEC. 11. The governor, author, and secretary of state, or any two of th shall at least six months prior to the October election, in the year one t sand eight hundred and sixty-one, and, at each decennial period therea ascertain and determine the ratio of representation, according to the decen census, the number of representatives and senators each county or district s be entitled to elect, and for what years, within the next ensuing ten years. the governor shall cause the same to be published, in such manner as shal directed by law.

JUDICIAL APPORTIONMENT.

SEC. 12. For judicial purposes, the state shall be apportioned as follo The county of Hamilton shall constitute the first district, which shall no

ubdivided; and the judges therein may hold separate courts or separate ittings of the same court, at the same time.

The counties of Butler, Preble and Darke shall constitute the first subdi- ision; Montgomery, Miami and Champaign, the second; and Warren, Clinton, reene, and Clark, the third subdivision, of the second district; and, together, hall form such district.

The counties of Shelby, Auglaize, Allen, Hardin, Logan, Union, and Marion, hall constitute the first subdivision; Mercer, Van Wert, Putnam, Paulding, Defiance, Williams, Henry, and Fulton, the second; and Wood, Seneca, Hancock, Wyandot, and Crawford, the third subdivision of the third district; and, to- ether, shall form such district.

The counties of Lucas, Ottawa, Sandusky, Erie and Huron, shall constitute he first subdivision; Lorain, Medina, and Summit, the second; and the county f Cuyahoga, the third subdivision, of the fourth district; and together, shall orm such district.

The counties of Clermont, Brown, and Adams, shall constitute the first ubdivision; Highland, Ross, and Fayette, the second; and Pickaway, Franklin, nd Madison, the third subdivision, of the fifth district; and, together, shall orm such district.

The counties of Licking, Knox, and Delaware, shall constitute the first sub- ivision; Morrow, Richland, and Ashland, the second; and Wayne, Holmes, and oshocton, the third subdivision, of the sixth district; and, together, shall form uch district.

The counties of Fairfield, Perry, and Hocking, shall constitute the first ubdivision; Jackson, Vinton, Pike, Scioto, and Lawrence, the second; and allia, Meigs, Athens, and Washington, the third subdivision of the seventh istrict; and, together, shall form such district.

The counties of Muskingum, and Morgan, shall constitute the first subdi- ision; Guernsey, Belmont, and Monroe, the second; and Jefferson, Harrison, nd Tuscarawas, the third subdivision, of the eighth district; and, together, shall orm such district.

The counties of Stark, Carroll, and Columbiana, shall constitute the first ubdivision; Trumbull, Portage, and Mahoning, the second; and Geauga, Lake, nd Ashtabula, the third subdivision, of the ninth district; and, together, shall om such district.

SEC. 13. The General Assembly shall attach any new counties, that may ereafter be erected, to such districts, or subdivisions thereof, as shall be most onvenient.

ARTICLE XII.

FINANCE AND TAXATION.

SECTION 1. No poll tax shall ever be levied in this state, or service required, hich may be commuted in money or other thing of value.[31]

SEC. 2. Laws shall be passed, taxing by a uniform rule, all moneys, credits, vestments in bonds, stocks, joint stock companies, or otherwise; and also all eal and personal property according to its true value in money, excepting all onds at present outstanding of the state of Ohio or of any city, village, hamlet, unty, or township in this state or which have been issued in behalf of the ublic schools in Ohio and the means of instruction in connection therewith, hich bonds so at present outstanding shall be exempt from taxation; but bury- g grounds, public school houses, houses used exclusively for public worship, stitutions used exclusively for charitable purposes, public property used clusively for any public purpose, and personal property, to an amount not ceeding in value five hundred dollars, for each individual, may, by general ws, be exempted from taxation; but all such laws shall be subject to altera- on or repeal; and the value of all property, so exempted, shall, from time to me, be ascertained and published as may be directed by law.[32]

[31] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, a vote of 269,039 to 248,864.

[32] Section 2 has been amended twice; the first amendment was proposed by the islature of 1904 and ratified on Nov. 7, 1905; the present amendment was proposed

SEC. 3. The General Assembly shall provide, by law, for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects, or dues, of every description (without deduction), of all banks now existing, or hereafter created, and of all bankers, so that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals.

SEC. 4. The General Assembly shall provide for raising revenue, sufficient to defray the expenses of the state, for each year, and also a sufficient sum to pay the interest on the state debt.

SEC. 5. No tax shall be levied, except in pursuance of law; and every law imposing a tax, shall state, distinctly, the object of the same, to which only it shall be applied.

SEC. 6. Except as otherwise provided in this constitution the state shall never contract any debt for purposes of internal improvement.[33]

SEC. 7. Laws may be passed providing for the taxation of the right to receive, or to succeed to, estates, and such taxation may be uniform or it may be so graduated as to tax at a higher rate the right to receive, or to succeed to, estates of larger value than to estates of smaller value. Such tax may also be levied at different rates upon collateral and direct inheritances, and a portion of each estate not exceeding twenty thousand dollars may be exempt from such taxation.[34]

SEC. 8. Laws may be passed providing for the taxation of incomes, and such taxation may be either uniform or graduated, and may be applied to such incomes as may be designated by law; but a part of each annual income not exceeding three thousand dollars may be exempt from such taxation.[34]

SEC. 9. Not less than fifty per centum of the income and inheritance taxes that may be collected by the state shall be returned to the city, village or township in which said income and inheritance tax originate.[34]

SEC. 10. Laws may be passed providing for excise and franchise taxes and for the imposition of taxes upon the production of coal, oil, gas and other minerals.[34]

SEC. 11. No bonded indebtedness of the state, or any political subdivision thereof, shall be incurred or renewed, unless, in the legislation under which such indebtedness is incurred or renewed, provision is made for levying and collecting annually by taxation an amount sufficient to pay the interest on said bonds, and to provide a sinking fund for their final redemption at maturity.[3]

ARTICLE XIII.

CORPORATIONS.

SECTION 1. The General Assembly shall pass no special act conferring corporate powers.

SEC. 2. Corporations may be formed under general laws; but all such laws may, from time to time, be altered or repealed. Corporations may be classified and there may be conferred upon proper boards, commissions or officers, such supervisory and regulatory powers over their organization, business and issu

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by the convention of 1912 and ratified on Sept. 3, 1912, by a vote of 269,039 to 248,864. The text of the original section is as follows: Sec. 2. Laws shall be passed taxing by a uniform rule, all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also all real and personal property, according to its true value in money; but burying grounds, public school houses, houses used exclusively for public worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property, to an amount not exceeding value two hundred dollars, for each individual, may, by general laws, be exempted from taxation; but, all such laws shall be subject to alteration or repeal; and the value of all property, so exempted, shall, from time to time, be ascertained and published, as may be directed by law.

[33] Amendment proposed by the convention of 1912 and ratified on Sept. 3, 1912, by vote of 269,039 to 248,864.

[34] Sections 7, 8, 9, 10 and 11 are new sections; they were proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 269,039 to 248,864.

Sections 1, 2, 6, 7, 8, 9, 10 and 11 of Article XII were voted on as a single proposition.

bonds, and to provide a sinking fund for their final redemption at maturity.[34] and sale of stocks and securities, and over the business and sale of the stocks and securities of foreign corporations and joint stock companies in this state, as may be prescribed by law. Laws may be passed regulating the sale and conveyance of other personal property, whether owned by a corporation, joint stock company or individual.[35]

SEC. 3. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her; except that stockholders of corporations authorized to receive money on deposit shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporations, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares. No corporation not organized under the laws of this state, or of the United States, or person, partnership or association shall use the word "bank," "banker" or "banking," or words of similar meaning in any foreign language, as a designation or name under which business may be conducted in this state unless such corporation, person, partnership or association shall submit to inspection, examination and regulation as may hereafter be provided by the laws of this state.[36]

SEC. 4. The property of corporations, now existing or hereafter created, shall forever be subject to taxation, the same as the property of individuals.

SEC. 5. No right of way shall be appropriated to the use of any corporation, until full compensation therefor be first made in money, or first secured by a deposit of money, to the owner, irrespective of any benefit from any improvement proposed by such corporation; which compensation shall be ascertained by a jury of twelve men, in a court of record, as shall be prescribed by law.

SEC. 6. The General Assembly shall provide for the organization of cities, and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power.

SEC. 7. No act of the General Assembly, authorizing associations with banking powers, shall take effect until it shall be submitted to the people, at the general election next succeeding the passage thereof, and be approved by a majority of all the electors, voting at such election.

ARTICLE XIV.

JURISPRUDENCE.

SECTION 1. The General Assembly, at its first session after the adoption of this constitution, shall provide for the appointment of three commissioners, and prescribe their tenure of office, compensation, and the mode of filling vacancies in said commission.

SEC. 2. The said commissioners shall revise, reform, simplify, and abridge the practice, pleadings, forms, and proceedings of the courts of record of this state; and, as far as practicable and expedient, shall provide for the abolition of the distinct forms of action at law, now in use, and for the administration of justice by a uniform mode of proceeding without reference to any distinction between law and equity.

SEC. 3. The proceedings of the commissioners shall, from time to time, be reported to the General Assembly, and be subject to the action of that body.

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[34] Amendment proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 300,466 to 212,704.

[35] Section 3 has been amended twice; the first amendment was proposed by the legislature of 1903 and was ratified on Nov. 3, 1903; the present amendment was proposed by the convention of 1912 and was ratified at the election of Sept. 3, 1912, by a vote of 377,272 to 156,688. The text of the original section is as follows: SEC. 3. Dues from corporations shall be secured, by such individual liability of the stockholders, and other means, as may be prescribed by law; but, in all cases, each stockholder shall be liable, over and above the stock by him or her owned, and any amount unpaid thereon, to a further sum, at least equal in amount to such stock.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. Columbus shall be the seat of government, until otherwi directed by law.

SEC. 2. The printing of the laws, journals, bills, legislative documents a papers for each branch of the general assembly, with the printing required f the executive and other departments of state, shall be let, on contract, to t lowest responsible bidder, or done directly by the state in such manner as sh be prescribed by law. All stationery and supplies shall be purchased as may provided by law.[37]

SEC. 3. An accurate and detailed statement of the receipts and expenditur of the public money, the several amounts paid, to whom, and on what accou shall, from time to time, be published, as shall be prescribed by law.

SEC. 4. No person shall be elected or appointed to any office in this sta unless possessed of the qualifications of an elector; provided that women who a citizens may be appointed as members of boards of, or to positions in, tho departments and institutions established by the state or any political subdivisi thereof involving the interests or care of women or children or both.[38]

SEC. 5. No person who shall hereafter fight a duel, assist in the same second, or send, accept, or knowingly carry, a challenge therefor, shall hold a office in this state.

SEC. 6. Lotteries and the sale of lottery tickets, for any purpose whatev shall forever be prohibited in this state.

SEC. 7. Every person chosen or appointed to any office under this sta before entering upon the discharge of its duties, shall take an oath or affirmati to support the Constitution of the United States, and of this state, and also oath of office.

SEC. 8. There may be established, in the secretary of state's office, a bure of statistics, under such regulations as may be prescribed by law.

SEC. 9. License to traffic in intoxicating liquors shall be granted in th state, and license laws operative throughout the state shall be passed with su restrictions and regulations as may be provided by law, and municipal corpor tions shall be authorized by general laws to provide for the limitation of t number of saloons. Laws shall not be passed authorizing more than one salo in each township or municipality of less than five hundred population, or mo than one saloon for each five hundred population in other townships and muni palities. Where the traffic is or may be prohibited under laws applying counties, municipalities, townships, residence districts, or other districts n prescribed by law, the traffic shall not be licensed in any such local subdivisi while any prohibitory law is operative therein, and nothing herein contain shall be so construed as to repeal, modify or suspend any such prohibitory law or any regulatory laws now in force or hereafter enacted, or to prevent the futu enactment, modification or repeal of any prohibitory or regulatory laws. Licen to traffic in intoxicating liquors shall not be granted to any person who at t time of making application therefor is not a citizen of the United States and good moral character. License shall not be granted to any applicant who is any way interested in the business conducted at any other place where into cating liquors are sold or kept for sale as a beverage nor shall such license granted unless the applicant or applicants are the only persons in any way pecu iarily interested in the business for which the license is sought and no oth person shall be in any way interested therein during the continuance of t license; if such interest of such person shall appear, the license shall be deem revoked. If any licensee is more than once convicted for a violation of the la in force to regulate the traffic in intoxicating liquors, his license shall be deem revoked, and no license shall thereafter be granted to him. License to traffic

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[37] Amendment proposed by the convention of 1912 and ratified at the election Sept. 3, 1912, by a vote of 319,612 to 192,378.

[38] Amendment proposed by the legislature of 1913 and ratified at the election Nov. 4, 1913.

intoxicating liquors shall not be granted unless the place of traffic under such license shall be located in the county in which the person or persons reside whose duty it is to grant such license, or in a county adjoining thereto. The word "saloon" as used in this section is defined to be a place where intoxicating liquors are sold, or kept for sale, as a beverage in quantities less than one gallon.

INTOXICATING LIQUORS.

	For License to traffic in intoxicating liquors.
	Against License to traffic in intoxicating liquors.

The voter shall indicate his choice by placing a cross-mark within the blank space opposite the words "For License," if he desires to vote in favor of the article above mentioned and opposite the words "Against License," within the blank space if he desires to vote against said article. If a cross-mark is placed opposite both phrases or neither phrase, then the vote upon the subject shall not be counted.

If the votes for license shall exceed the votes against license, then the article above mentioned shall become section 9 of article XV of the constitution, and the present section 9 of said article, also known as section 18 of the schedule, shall be repealed.[39]

SEC. 9a. No law shall be passed or be in effect prohibiting the sale, furnishing or giving away of intoxicating liquors operative in a subdivision of the state upon the option of the electors thereof, or upon any other contingency, which has force within a territory larger than a municipal corporation or a township outside of municipal corporations therein. All laws in contravention of the foregoing are hereby repealed.

Nor shall any law hereafter be passed prohibiting the sale, furnishing or giving away of intoxicating liquors throughout the state at large.[40]

SEC. 10. Appointments and promotions in the civil service of the state, the several counties, and cities, shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Laws shall be passed providing for the enforcement of this provision.[41]

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Either branch of the general assembly may propose amendments to this constitution; and, if the same shall be agreed to by three-fifths of the members elected to each house, such proposed amendments shall be entered on the journals, with the yeas and nays, and shall be submitted to the electors, for their approval or rejection, on a separate ballot without party designation of any kind, at either a special or a general election as the general assembly may prescribe. Such proposed amendments shall be published once a week for five consecutive weeks preceding such election, in at least one newspaper in each county of the state, where a newspaper is published. If the majority of the electors voting on the same shall adopt such amendments the same shall become a part of the constitution. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately.[42]

SEC. 2. Whenever two-thirds of the members elected to each branch of the general assembly shall think it necessary to call a convention, to revise, amend, or change this constitution, they shall recommend to the electors to vote on a

[39] Amendment proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 273,361 to 188,825.

[40] Section 9a is a new section; it was proposed by the initiative and was ratified on Nov. 3, 1914.

[41] Amendment proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 306,767 to 204,580.

[42] Sections 1, 2 and 3 are amendments proposed by the convention of 1912 and ratified at the election of Sept. 3, 1912, by a vote of 271,827 to 246,687.

separate ballot without party designation of any kind at the next election fo members to the general assembly, for or against a convention; and if a majorit of all the electors, voting for and against the calling of a convention, shall hav voted for a convention, the general assembly shall, at their next session, provid by law, for calling the same. Candidates for members of the constitutional co vention shall be nominated by nominating petitions only and shall be voted fo upon one independent and separate ballot without any emblem or party designa tion whatever. The convention shall consist of as many members as the hous of representatives, who shall be chosen as provided by law, and shall meet withi three months after their election, for the purpose, aforesaid.[42]

SEC. 3. At the general election to be held in the year one thousand nin hundred and thirty-two, and in each twentieth year thereafter, the question "Shall there be a convention to revise, alter, or amend the constitution," shall l submitted to the electors of the state; and in case a majority of the elector voting for and against the calling of a convention, shall decide in favor of a co vention, the general assembly, at its next session, shall provide, by law, for th election of delegates, and the assembling of such convention, as is provided in th preceding section; but no amendment of this constitution, agreed upon by an convention assembled in pursuance of this article, shall take effect, until the sam shall have been submitted to the electors of the state, and adopted by a majorit of those voting thereon.[42]

ARTICLE XVII.[43]

[ELECTIONS.]

SECTION 1. Elections for state and county officers shall be held on the firs Tuesday after the first Monday in November in the even numbered years; an all elections for all other elective officers shall be held on the first Tuesda after the first Monday in November in the odd numbered years.

SEC. 2. The term of office of the governor, lieutenant governor, attorne general, secretary of state and treasurer of state shall be two years, and tha of the auditor of state shall be four years. The term of office of the judges o the supreme court and circuit courts shall be such even number of years no less than six (6) years as may be prescribed by the General Assembly; that o the judges of the common pleas court six (6) years, and of the judges of th probate court, four (4) years, and that of other judges shall be such even num ber of years, not exceeding six (6) years as may be prescribed by the Gener Assembly. The term of office of justices of the peace shall be such even numbe of years not exceeding four (4) years as may be prescribed by the Gener Assembly. The term of office of the members of the board of public works sha be such even number of years not exceeding six (6) years as may be so pr scribed; and the term of office of all elective county, township, municipal an school officers shall be such even number of years not exceeding four (4) year as may be so prescribed.

And the General Assembly shall have power to so extend existing terms o office as to effect the purpose of section 1 of this article.

Any vacancy which shall occur in any elective state office other than tha of a member of the General Assembly or of governor, shall be filled by appoin ment by the governor until the disability is removed or a successor elected an qualified. Every such vacancy shall be filled by election at the first gener election for the office which is vacant, that occurs more than thirty (30) da after the vacancy shall have occurred. The person elected shall fill the offic for the unexpired term. All vacancies in other elective offices shall be filled f the unexpired term in such manner as may be prescribed by law.

SEC. 3. Every elective officer holding office when this amendment is adopte shall continue to hold such office for the full term for which he was elect and until his successor shall be elected and qualified, as provided by law.

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[43] Article XVII is a new article; it was proposed by the legislature of 1904 an was ratified on Nov. 7, 1905.

ARTICLE XVIII.[44]

MUNICIPAL CORPORATIONS.

SECTION 1. Municipal corporations are hereby classified into cities and villages. All such corporations having a population of five thousand or over shall be cities; all others shall be villages. The method of transition from one class to the other shall be regulated by law.

SEC. 2. General laws shall be passed to provide for the incorporation and government of cities and villages; and additional laws may also be passed for the government of municipalities adopting the same; but no such additional law shall become operative in any municipality until it shall have been submitted to the electors thereof, and affirmed by a majority of those voting thereon, under regulations to be established by law.

SEC. 3. Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.

SEC. 4. Any municipality may acquire, construct, own, lease and operate within or without its corporate limits, any public utility the product or service of which is or is to be supplied to the municipality or its inhabitants, and may contract with others for any such product or service. The acquisition of any such public utility may be by condemnation or otherwise, and a municipality may acquire thereby the use of, or full title to, the property and franchise of any company or person supplying to the municipality or its inhabitants the service or product of any such utility.

SEC. 5. Any municipality proceeding to acquire, construct, own, lease or operate a public utility, or to contract with any person or company therefor, shall act by ordinance and no such ordinance shall take effect until after thirty days from its passage. If within said thirty days a petition signed by ten per centum of the electors of the municipality shall be filed with the executive authority thereof demanding a referendum on such ordinance it shall not take effect until submitted to the electors and approved by a majority of those voting thereon. The submission of any such question shall be governed by all the provisions of section 8 of this article as to the submission of the question of choosing a charter commission.

SEC. 6. Any municipality, owning or operating a public utility for the purpose of supplying the service or product thereof to the municipality or its inhabitants, may also sell and deliver to others any transportation service of such utility and the surplus product of any other utility in an amount not exceeding in either case fifty per centum of the total service or product supplied by such utility within the municipality.

SEC. 7. Any municipality may frame and adopt or amend a charter for its government and may, subject to the provisions of section 3 of this article, exercise thereunder all powers of local self-government.

SEC. 8. The legislative authority of any city or village may by a two-thirds vote of its members, and upon petition of ten per centum of the electors shall forthwith, provide by ordinance for the submission to the electors, of the question, "Shall a commission be chosen to frame a charter." The ordinance providing for the submission of such question shall require that it be submitted to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid. The ballot containing such question shall bear no party designation, and provision shall be made thereon for the election from the municipality at large of fifteen electors who shall constitute a commission to frame a charter; provided that a majority of the electors voting on such question shall have voted in the affirmative. Any charter so framed shall be submitted to the electors of the municipality at an election to be held at a time fixed by the charter commission and within one year from the date of its election, provision for which shall be made by the

[44] Article XVIII is a new article; it was proposed by the convention of 1912 and was ratified on Sept. 3, 1912, by a vote of 301,861 to 215,120.

legislative authority of the municipality in so far as not prescribed by general law. Not less than thirty days prior to such election the clerk of the municipality shall mail a copy of the proposed charter to each elector whose name appears upon the poll or registration books of the last regular or general election held therein. If such proposed charter is approved by a majority of the electors voting thereon it shall become the charter of such municipality at the time fixed therein.

SEC. 9. Amendments to any charter framed and adopted as herein provided may be submitted to the electors of a municipality by a two-thirds vote of the legislative authority thereof, and, upon petitions signed by ten per centum of the electors of the municipality setting forth any such proposed amendment, shall be submitted by such legislative authority. The submission of proposed amendments to the electors shall be governed by the requirements of section 8 as to the submission of the question of choosing a charter commission; and copies of proposed amendments shall be mailed to the electors as hereinbefore provided for copies of a proposed charter. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the charter of the municipality. A copy of said charter or any amendment thereto shall be certified to the secretary of state, within thirty days after adoption by a referendum vote.

SEC. 10. A municipality appropriating or otherwise acquiring property for public use may in furtherance of such public use appropriate or acquire an excess over that actually to be occupied by the improvement, and may sell such excess with such restrictions as shall be appropriate to preserve the improvement made. Bonds may be issued to supply the funds in whole or in part to pay for the excess property so appropriated or otherwise acquired, but said bonds shall be a lien only against the property so acquired for the improvement and excess, and they shall not be a liability of the municipality nor be included in any limitation of the bonded indebtedness of such municipality prescribed by law.

SEC. 11. Any municipality appropriating private property for a public improvement may provide money therefor in part by assessments upon benefited property not in excess of the special benefits conferred upon such property by the improvements. Said assessments, however, upon all the abutting, adjacent, and other property in the district benefited shall in no case be levied for more than fifty per centum of the cost of such appropriation.

SEC. 12. Any municipality which acquires, constructs or extends any public utility and desires to raise money for such purposes may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law: provided that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon such municipality but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure.

SEC. 13. Laws may be passed to limit the power of municipalities to levy taxes and incur debts for local purposes, and may require reports from municipalities as to their financial condition and transactions, in such form as may be provided by law, and may provide for the examination of the vouchers, books and accounts of all municipal authorities, or of public undertakings conducted by such authorities.

SEC. 14. All elections and submissions of questions provided for in this article shall be conducted by the election authorities prescribed by general law. The percentage of electors required to sign any petition provided for herein shall be based upon the total vote cast at the last preceding general municipal election.

SCHEDULE.

If the foregoing amendment to the constitution be adopted by the electors and become a part of the constitution, it shall take effect on November 15, 1912.

SCHEDULE.

SECTION 1. All laws of this state, in force on the first day of September, e thousand eight hundred and fifty-one, not inconsistent with this constitution, all continue in force, until amended, or repealed.

SEC. 2. The first election for members of the General Assembly, under this nstitution, shall be held on the second Tuesday of October, one thousand eight ndred and fifty-one.

SEC. 3. The first election for governor, lieutenant governor, auditor, treas-er, and secretary of state and attorney general, shall be held on the second esday of October, one thousand eight hundred and fifty-one. The persons lding said offices on the first day of September, one thousand eight hundred l fifty-one, shall continue therein until the second Monday of January, one usand eight hundred and fifty-two.

SEC. 4. The first election for judges of the supreme court, courts of common as, and probate courts, and clerks of the court of common pleas, shall be d on the second Tuesday of October, one thousand eight hundred and fifty-one, l the official term of said judges and clerks, so elected, shall commence on second Monday of February, one thousand eight hundred and fifty-two. lges and clerks of the courts of common pleas and supreme court, in office the first day of September, one thousand eight hundred and fifty-one, shall tinue in office with their present powers and duties, until the second Monday February, one thousand eight hundred and fifty-two. No suit or proceeding ding in any of the courts of this state, shall be affected by the adoption of s constitution.

SEC. 5. The register and receiver of the land office, directors of the peniten-y, directors of the benevolent institutions of the state, the state librarian, all other officers, not otherwise provided for in this constitution, in office the first day of September, one thousand eight hundred and fifty-one, shall tinue in office until their terms expire, respectively, unless the General embly shall otherwise provide.

SEC. 6. The superior and commercial courts of Cincinnati, and the superior rt of Cleveland, shall remain, until otherwise provided by law, with their sent powers and jurisdiction; and the judges and clerks of said courts, in e on the first day of September, one thousand eight hundred and fifty-one ll continue in office, until the expiration of their terms of office, respectively, until otherwise provided by law; but neither of said courts shall continue r the second Monday of February, one thousand eight hundred and fifty-three; no suits shall be commenced in said two first mentioned courts, after the nd Monday in February, one thousand eight hundred and fifty-two; nor in last mentioned court, after the second Monday in August, one thousand t hundred and fifty-two; and all business in either of said courts, not dis-d of within the time limited for their continuance as aforesaid, shall be sferred to the court of common pleas.

SEC. 7. All county and township officers and justices of the peace, in office he first day of September, one thousand eight hundred and fifty-one, shall tinue in office until their terms expire, respectively.

SEC. 8. Vacancies in office, occurring after the first day of September, one usand eight hundred and fifty-one, shall be filled, as is now prescribed by and until officers are elected or appointed, and qualified, under this consti on.

SEC. 9. This constitution shall take effect on the first day of September, one sand eight hundred and fifty-one.

SEC. 10. All officers shall continue in office, until their successors shall be en and qualified.

SEC. 11. Suits pending in the supreme court in bank, shall be transferred e supreme court provided for in this constitution, and be proceeded in accord-o law.

SEC. 12. The district courts shall, in their respective counties, be the suc-rs of the present supreme court; and all suits, prosecutions, judgments, rds, and proceedings, pending and remaining in said supreme court, in the

several counties of any district, shall be transferred to the respective distric courts of such counties, and be proceeded in, as though no change had been mad in said supreme court.

SEC. 13. The said court of common pleas, shall be the successors of the pre ent courts of common pleas in the several counties, except as to probate jurisdi tion; and all suits, prosecutions, proceedings, records and judgments, pendin or being in said last mentioned courts, except as aforesaid, shall be transferre to the courts of common pleas created by this constitution, and proceeded in, a though the same had been therein instituted.

SEC. 14. The probate courts provided for in this constitution, as to a matters within the jurisdiction conferred upon said courts, shall be the successor in the several counties, of the present courts of common pleas; and the record files and papers, business and proceedings, appertaining to said jurisdictio shall be transferred to said courts of probate, and be there proceeded in, accor ing to law.

SEC. 15. Until otherwise provided by law, elections fo judges and clerk shall be held, and the poll-books returned, as is provided for governor, and th abstract therefrom, certified to the secretary of state shall b by him opened, the presence of the governor, who shall declare the result, and issue commissio to the persons elected.

SEC. 16. Where two or more counties are joined in a senatorial, represent tive, or judicial district, the returns of election shall be sent to the coun having the largest population.

SEC. 17. The foregoing constitution shall be submitted to the electors the state, at an election to be held on the third Tuesday of June, one thousa eight hundred and fifty-one, in the several election districts of this state. T ballots at such election shall be written or printed as follows: Those in fav of the constitution, "New constitution, Yes;" those against the constitutio "New constitution, No." The polls at said election shall be opened between t hours of eight and ten o'clock A. M., and closed at six o'clock P. M.; and t said election shall be conducted, and the returns thereof made and certified, the secretary of state, as provided by law for annual elections of state a county officers. Within twenty days after such election, the secretary of st shall open the returns thereof, in the presence of the governor; and, if it sh appear that a majority of all the votes, cast at such election, are in favor of t constitution, the governor shall issue his proclamation, stating that fact, a said constitution shall be the constitution of the state of Ohio, and n otherwise.

[SEC. 18. Repealed on Sept. 3, 1912.][45]

SEC. 19. The apportionment for the house of representatives, during t first decennial period under this constitution, shall be as follows:

The counties of Adams, Allen, Athens, Auglaize, Carroll, Champai Clark, Clinton, Crawford, Darke, Delaware, Erie, Fayette, Gallia, Geau Greene, Hancock, Harrison, Hocking, Holmes, Lake, Lawrence, Logan, Madis Marion, Meigs, Morrow, Perry, Pickaway, Pike, Preble, Sandusky, Scioto, Shel and Union, shall, severally, be entitled to one representative, in each sess of the decennial period.

The counties of Franklin, Licking, Montgomery, and Stark, shall each entitled to two representatives, in each session of the decennial period.

The counties of Ashland, Coshocton, Highland, Huron, Lorain, Mahoni Medina, Miami, Portage, Seneca, Summit, and Warren, shall, severally, entitled to one representative, in each session and one additional represen tive in the fifth session of the decennial period.

The counties of Ashtabula, Brown, Butler, Clermont, Fairfield, Guern Jefferson, Knox, Monroe, Morgan, Richland, Trumbull, Tuscarawas, and Wa ington shall, severally, be entitled to one representative, in each session; two additional representatives, one in the third, and one in the fourth sess of the decennial period.

[45] Section 18 was repealed by the adoption of Section 9, Article XV; see N No. 39.

The counties of Belmont, Columbiana, Ross and Wayne, shall, severally, be entitled to one representative, in each session; and three additional representatives, one in the first, one in the second, and one in the third session of the decennial period.

The county of Muskingum shall be entitled to two representatives, in each session; and one additional representative, in the fifth session, of the decennial period.

The county of Cuyahoga shall be entitled to two representatives, in each session; and two additional representatives, one in the third, and one in the fourth session of the decennial period.

The county of Hamilton shall be entitled to seven representatives, in each session; and four additional representatives, one in the first, one in the second, one in the third, and one in the fourth session, of the decennial period.

The following counties, until they shall have acquired a sufficient population to entitle them to elect, separately, under the fourth section of the eleventh article, shall form districts in manner following, to-wit: The counties of Jackson and Vinton, one district; the counties of Lucas and Fulton, one district; the counties of Wyandot and Hardin, one district; the counties of Mercer and Van Wert, one district; the counties of Paulding, Defiance, and Williams, one district; the counties of Putnam and Henry, one district; and the counties of Wood and Ottawa, one district; each of which districts shall be entitled to one representative, in every session of the decennial period.

Done in convention at Cincinnati, the tenth day of March, in the year of our Lord, one thousand eight hundred and fifty-one, and of the independence of the United States, the seventy-fifth.

WILLIAM MEDILL, *President.*

Attest: WM. H. GILL, *Secretary.*

SCHEDULE TO CONSTITUTIONAL AMENDMENTS SUBMITTED ON SEPTEMBER 3, 1912.

[SEC. 20.] The several amendments passed and submitted by this convention when adopted at the election shall take effect on the first day of January, 1913, except as otherwise specifically provided by the schedule attached to any of said amendments. All laws then in force, not inconsistent therewith shall continue in force until amended or repealed; provided that all cases pending in the courts on the first day of January, 1913, shall be heard and tried in the same manner and by the same procedure as is now authorized by law. Any provision of the amendments passed and submitted by this convention and adopted by the electors, inconsistent with, or in conflict with, any provision of the present constitution, shall be held to prevail.[46]

METHOD OF SUBMISSION.

[SEC. 21.] The several proposals duly passed by this convention shall be submitted to the electors as separate amendments to the constitution at a special election to be held on the third day of September, 1912. The several amendments shall be designated on the ballot by their proper article and section numbers and also by their approved descriptive titles and shall be printed on said ballot and consecutively numbered in the manner and form hereinafter set forth. The adoption of any amendment by its title shall have the effect of adopting the amendment in full as finally passed by the convention. Said special election shall be held pursuant to all provisions of law applicable thereto including special registration. Ballots shall be marked in accordance with instructions printed thereon. Challengers and witnesses shall be admitted to all voting places under such regulations as may be prescribed by the secretary of state. Within ten days after said election the boards of deputy state supervisors of elections of the several counties shall forward by mail in duplicate sealed certified abstracts of the votes cast on the several amendments, one to the

[46] Schedule to constitutional amendments submitted on Sept. 3, 1912; adopted by a vote of 275,062 to 213,979.

secretary of state and one to the auditor of state at Columbus. Within fi
days thereafter such abstracts shall be opened and canvassed by the secreta
of state and auditor of state in the presence of the governor who shall fort
with, by proclamation, declare the results of said election. Each amendment
which the number of affirmative votes shall exceed the number of negati
votes shall become a part of the constitution.

HERBERT S. BIGELOW, *President.*

C. B. GALBREATH, *Secretary.*
Columbus, Ohio, June 1, 1912.

CONSTITUTION OF OKLAHOMA—1907.*

PREAMBLE.

nvoking the guidance of Almighty God, in order to secure and perpetuate the blessing of liberty; to secure just and rightful government; to promote our mutual welfare and happiness, we, the people of the State of Oklahoma, do ordain and establish this constitution.

ARTICLE I.

FEDERAL RELATIONS.

SECTION 1. The State of Oklahoma is an inseparable part of the Federal nion, and the Constitution of the United States is the supreme law of the land.

SEC. 2. Perfect toleration of religious sentiment shall be secured, and no habitant of the state shall ever be molested in person or property on account f his or her mode of religious worship; and no religious test shall be required r the exercise of civil or political rights. Polygamous or plural marriages are rever prohibited.

SEC. 3. The people inhabiting the State do agree and declare that they rever disclaim all right and title in or to any unappropriated public lands ing within the boundaries thereof, and to all lands lying within said limits vned or held by any Indian, tribe, or nation; and that until the title to any ch public land shall have been extinguished by the United States, the same all be and remain subject to the jurisdiction, disposal, and control of the nited States. Land belonging to citizens of the United States residing without e limits of the State shall never be taxed at a higher rate than the land longing to residents thereof. No taxes shall be imposed by the State on lands property belonging to or which may hereafter be purchased by the United ates or reserved for its use.

SEC. 4. The debts and liabilities of the Territory of Oklahoma are hereby sumed, and shall be paid by the State.

SEC. 5. Provisions shall be made for the establishment and maintenance of system of public schools, which shall be open to all the children of the State d free from sectarian control; and said schools shall always be conducted in nglish: Provided, That nothing herein shall preclude the teaching of other nguages in said public schools: And provided further, That this shall not be nstrued to prevent the establishment and maintenance of separate schools for hite and colored children.

SEC. 6. The State shall never enact any law restricting or abridging the ght of suffrage on account of race, color, or previous condition of servitude.

SEC. 7. The manufacture, sale, barter, giving away, or otherwise furnish- , except as hereinafter provided, of intoxicating liquors within those parts the State heretofore known as the Indian Territory and the Osage Indian servation, and within any other parts of the State which existed as Indian servations on the 1st day of January, 1906, is prohibited for a period of enty-one years from the date of the admission of the State into the Union, and reafter until the people of the State shall otherwise provide by amendment this constitution and proper State legislation. Any person, individual or rporate, who shall manufacture, sell, barter, give away, or otherwise furnish y intoxicating liquor of any kind, including beer, ale, and wine, contrary to

* The convention which framed the constitution of Oklahoma met at Guthrie on v. 20, 1906, and adjourned on July 16, 1907. The constitution was submitted to the ple for ratification on Sept. 17, 1907. The vote on the adoption or rejection of constitution was 180,333 in favor of adoption and 73,059 opposed; the vote on the hibition amendment was 130,361 in favor and 112,258 opposed. The state was ad- ted to the Union on Nov. 16, 1907, and the constitution became effective on that .

provisions of this section, or who shall, within the above-described portions of t
State, advertise for sale or solicit the purchase of any such liquors, or w
shall ship or in any way convey such liquors from other parts of the State in
the portions hereinbefore described, shall be punished, on conviction thereof,
fine not less than $50 and by imprisonment not less than thirty days for ea
offense: Provided, That the legislature may provide by law for one agen
under the supervision of the State in each incorporated town of not less th
2,000 population in the portions of the State hereinbefore described; and
there be no incorporated town of 2,000 population in any county in said portio
of the State, such county shall be entitled to have one such agency for the s
of such liquors for medicinal purposes; and for the sale, for industrial purpos
of alcohol which shall have been denaturized by some process approved by t
United States Commissioner of Internal Revenue; and for the sale of alcoh
for scientific purposes to such scientific institutions, universities, and colleg
as are authorized to procure the same free of tax under the laws of the Unit
States; and for the sale of such liquors to any apothecary who shall have ex
cuted an approved bond, in a sum not less than $1,000, conditioned that no
of such liquors shall be used or disposed of for any purpose other than in t
compounding of prescriptions or other medicines, the sale of which would n
subject him to the payment of the special tax required of liquor dealers by t
United States, and the payment of such special tax by any person within t
parts of the State hereinabove defined shall constitute prima facie eviden
of his intention to violate the provisions of this section. No sale shall be ma
except upon the sworn statement of the applicant in writing setting forth t
purpose for which the liquor is used, and no sale shall be made for medicin
purposes except sales to apothecaries as hereinabove provided unless such sta
ment shall be accompanied by a bona fide prescription signed by a regular pr
ticing physician, which prescription shall not be filled more than once. Ea
sale shall be duly registered and the register thereof, together with the affidav
and prescriptions pertaining thereto, shall be open to inspection by any officer
citizen of the State at all times during business hours. Any person who sh
knowingly make a false affidavit for the purpose aforesaid shall be deemed gui
of perjury. Any physician who shall prescribe any such liquor, except for t
treatment of disease which, after his own personal diagnosis, he shall deem
require such treatment, shall, upon conviction thereof, be punished for ea
offense by fine or not less than $200, or by imprisonment for not less than thi
days, or by both such fine and imprisonment; and any person connected w
any such agency who shall be convicted of making any sale or other disposit
of liquor contrary to these provisions, shall be punished by imprisonment for
less than one year and one day. Upon the admission of the State into
Union these provisions shall be immediately enforcible in the courts of the St

ARTICLE II.

BILL OF RIGHTS.

SECTION 1. All political power is inherent in the people; and governm
is instituted for their protection, security, and benefit, and to promote th
general welfare; and they have the right to alter or reform the same whene
the public good may require it: Provided, Such change be not repugnant to
Constitution of the United States.

SEC. 2. All persons have the inherent right to life, liberty, the pursuit
happiness, and the enjoyment of the gains of their own industry.

SEC. 3. The people have the right peaceably to assemble for their own g
and to apply to those invested with the powers of government for redress
grievances by petition, address, or remonstrance.

SEC. 4. No power, civil or military, shall ever interfere to prevent the
exercise of the right of suffrage by those entitled to such right.

SEC. 5. No public money or property shall ever be appropriated, appl
donated, or used, directly or indirectly, for the use, benefit, or support of any s
church, denomination, or system of religion, or for the use, benefit, or support

ny priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such.

SEC. 6. The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay, or prejudice.

SEC. 7. No person shall be deprived of life, liberty, or property, without due process of law.

SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof of guilt is evident, or the presumption thereof is great.

SEC. 9. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

SEC. 10. The privilege of the writ of habeas corpus shall never be suspended by the authorities of this State.

SEC. 11. Every person elected or appointed to any office or employment of trust or profit under the laws of the state, or under any ordinance of any municipality thereof, shall give personal attention to the duties of the office to which he is elected or appointed. Drunkenness and the excessive use of intoxicating liquors while in office shall constitute sufficient cause for impeachment or removal therefrom.[1]

SEC. 12. No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State.

SEC. 13. Imprisonment for debt is prohibited, except for the non-payment of fines and penalties imposed for the violation of law.

SEC. 14. The military shall be held in strict subordination to the civil authorities. No soldier shall be quartered in any house, in time of peace, without the consent of the owner, nor in time of war, except in a manner to be prescribed by law.

SEC. 15. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed. No conviction shall work a corruption of blood or forfeiture of estate: Provided, That this provision shall not prohibit the imposition of pecuniary penalties.

SEC. 16. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 17. No person shall be prosecuted criminally in courts of record for felony or misdemeanor otherwise than by presentment or indictment or by information. No person shall be prosecuted for a felony by information without having had a preliminary examination before an examining magistrate, or having waived such preliminary examination. Prosecutions may be instituted in courts not of record upon a duly verified complaint.

SEC. 18. A grand jury shall be composed of 12 men, any 9 of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a judge of a court having the power to try and determine felonies, upon his own motion; or such grand jury shall be ordered by such judge upon the filing of a petition therefor signed by 100 resident taxpayers of the county; when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime, and such other powers as the legislature may prescribe: Provided, That the legislature may make the calling of a grand jury compulsory.

SEC. 19. The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of 12 men; but in county courts and courts not of record a jury shall consist of 6 men. This section shall not be so construed as to prevent limitations being fixed by law upon the right of appeal from judgments of courts not of record in civil cases concerning causes of action involving less than $20.

[1] Amendment proposed by the initiative and ratified on Aug. 4, 1914. The amendment added the last sentence.

In civil cases, and in criminal cases less than felonies, three-fourths of th whole number of jurors concurring shall have power to render a verdict. In a other cases the entire number of jurors must concur to render a verdict. case a verdict is rendered by less than the whole number of jurors, the verdi shall be in writing and signed by each juror concurring therein.

SEC. 20. In all criminal prosecutions the accused shall have the right a speedy and public trial by an impartial jury of the county in which th crime shall have been committed: Provided, That the venue may be change to some other county of the State, on the application of the accused, in su manner as may be prescribed by law. He shall be informed of the nature an cause of the accusation against him and have a copy thereof, and be confronte with the witnesses against him, and have compulsory process for obtaining wi nesses in his behalf. He shall have the right to be heard by himself and counse and in capital cases, at least two days before the case is called for trial, h shall be furnished with a list of the witnesses that will be called in chief, prove the allegations of the indictment or information, together with their pos office addresses.

SEC. 21. No person shall be compelled to give evidence which will tend incriminate him, except as in this constitution specifically provided; nor sha any person, after having been once acquitted by a jury, be again put in jeopard of life or liberty for that of which he has been acquitted. Nor shall any perso be twice put in jeopardy of life or liberty for the same offense.

SEC. 22. Every person may freely speak, write, or publish his sentiments o all subjects, being responsible for the abuse of that right; and no law shall passed to restrain or abridge the liberty of speech or of the press. In all crimin prosecutions for libel, the truth of the matter alleged to be libelous may given in evidence to the jury, and if it shall appear to the jury that the matt charged as libelous be true, and was written or published with good motives an for justifiable ends, the party shall be acquitted.

SEC. 23. No private property shall be taken or damaged for private us with or without compensation, unless by consent of the owner, except for priva ways of necessity, or for drains and ditches across lands of others for agricu tural, mining, or sanitary purposes, in such manner as may be prescribed by la

SEC. 24. Private property shall not be taken or damaged for public u without just compensation. Such compensation, irrespective of any benefit fro any improvements proposed, shall be ascertained by a board of commissioner of not less than three free-holders, in such manner as may be prescribed by la The commissioners shall not be appointed by any judge or court without reaso able notice having been served upon all parties in interest. The commissioner shall be selected from the regular jury list of names prepared and made as t legislature shall provide. Any party aggrieved shall have the right of appe without bond, and trial by jury in a court of record. Until the compensation sha be paid to the owner, or into court for the owner, the property shall not disturbed, or the proprietary rights of the owner divested. When possession taken of property condemned for any public use the owner shall be entitled the immediate receipt of the compensation awarded, without prejudice to t right of either party to prosecute further proceedings for the judicial determin tion of the sufficiency or insufficiency of such compensation. The fee of la taken by common carriers for right of way, without the consent of the owne shall remain in such owner subject only to the use for which it is taken. In a cases of condemnation of private property for public or private use the determ nation of the character of the use shall be a judicial question.

SEC. 25. The legislature shall pass laws defining contempts and regulati the proceedings and punishment in matters of contempt: Provided, That a person accused of violating or disobeying, when not in the presence or hearin of the court, or judge sitting as such, any order of injunction, or restraint, ma or entered by any court or judge of the State shall, before penalty or punis ment is imposed, be entitled to a trial by jury as to the guilt or innocence of t accused. In no case shall a penalty or punishment be imposed for contem until an opportunity to be heard is given.

SEC. 26. The right of a citizen to keep and bear arms in defense of his home, person, or property, or in aid of the civil power, when thereunto legally summoned, shall never be prohibited; but nothing herein contained shall prevent the legislature from regulating the carrying of weapons.

SEC. 27. Any person having knowledge or possession of facts that tend to establish the guilt of any other person or corporation charged with an offense against the laws of the State, shall not be excused from giving testimony or producing evidence, when legally called upon so to do, on the ground that it may tend to incriminate him under the laws of the State; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may so testify or produce evidence.

SEC. 28. The records, books, and files of all corporations shall be, at all times, liable and subject to the full visitorial and inquisitorial powers of the State, notwithstanding the immunities and privileges in this bill of rights secured to the persons, inhabitants, and citizens thereof.

SEC. 29. No person shall be transported out of the State for any offense committed within the State, nor shall any person be transported out of the State for any purpose, without his consent, except by due process of law; but nothing in this provision shall prevent the operation of extradition laws, or the transporting of persons sentenced for crime to other States for the purpose of incarceration.

SEC. 30. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized.

SEC. 31. The right of the State to engage in any occupation or business for public purposes shall not be denied nor prohibited, except that the State shall not engage in agriculture for any other than educational and scientific purposes and for the support of its penal, charitable, and educational institutions.

SEC. 32. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 33. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

ARTICLE III.

SUFFRAGE.

SECTION 1. The qualified electors of the State shall be male citizens of the United States, male citizens of the State, and male persons of Indian descent native of the United States, who are over the age of 21 years, who have resided in the State one year, in the county six months, and in the election precinct thirty days, next preceding the election at which any such elector offers to vote: Provided, That no person adjudged guilty of a felony after the adoption of this constitution, subject to such exceptions as the legislature may prescribe, unless his citizenship shall have been restored in the manner provided by law; nor any person, while kept in a poorhouse or other asylum at the public expense, except Federal and confederate ex-soldiers; nor any person in a public prison, nor any idiot or lunatic, shall be entitled to vote at any election under the laws of this State.

SEC. 2. For the purpose of voting, no member of the Regular Army or Navy of the United States shall gain a residence in this State by reason of being stationed in this State, nor shall any such person lose a residence in the State while absent from the State in the military or naval service of the United States.

SEC. 3. Until otherwise provided by law, all female citizens of this State, possessing like qualifications of male electors, shall be qualified to vote at school district elections or meetings.

PRIMARY ELECTIONS.

SEC. 4. The legislature shall enact laws creating an election board (no more than a majority of whose members shall be selected from the same politica party), and shall provide the time and manner of holding and conducting al elections; and, at any time the Federal Constitution may permit the election o United States Senators by direct vote of the people, the legislature shall provid for their election as for the election of governor and other elective officers.

[SEC. 4a. No person shall be registered as an elector of this State, or b allowed to vote in any election held herein, unless he be able to read and writ any section of the Constitution of the State of Oklahoma; but no person wh was, on January 1st, 1866, or at any time prior thereto, entitled to vote unde any form of Government, or who at that time resided in some foreign nation and no lineal descendant of such person shall be denied the right to register an vote because of his inability to so read and write sections of such Constitution

Precinct election inspectors having in charge the registration of elector shall enforce the provisions of this section at the time of registration, provide registration be required. Should registration be dispensed with the provision of this section shall be enforced by the precinct election officers when elector apply for ballots to vote.][2]

SEC. 5. The legislature shall enact laws providing for a mandatory primary system, which shall provide for the nomination of all candidates in all election for State, district, county, and municipal officers, for all political parties, includ ing United States Senators: Provided, however, This provision shall not exclud the right of the people to place on the ballot by petition any nonpartisan candidate

SEC. 6. In all elections by the people the vote shall be by ballot and th legislature shall provide the kind of ticket or ballot to be used and make all suc other regulations as may be necessary to detect and punish fraud, and preserv the purity of the ballot; and may, when necessary, provide by law for the regis tration of electors throughout the State or in any incorporated city or tow thereof, and, when it is so provided, no person shall vote at any election unles he shall have registered according to law.

SEC. 7. The election shall be free and equal. No power, civil or military shall ever interfere to prevent the free exercise of the right of suffrage, and electors shall, in all cases, except for treason, felony, and breach of the peace be privileged from arrest during their attendance on elections and while going to and from the same.

ARTICLE IV.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Oklahoma shall be divided into three separate departments—the legislative, executive, and judi cial; and except as provided in this constitution, the legislative, executive, and judicial departments of government shall be separate and distinct, and neithe shall exercise the powers properly belonging to either of the others.

ARTICLE V.

LEGISLATIVE DEPARTMENT.

INITIATIVE AND REFERENDUM.

SECTION 1. The legislative authority of the State shall be vested in a legis lature, consisting of a senate and a house of representatives; but the people reserve to themselves the power to propose laws and amendments to the constitu

[2] Section 4a is a new section; it was proposed by the initiative, ratified on Aug 2, 1910, and declared adopted on Oct. 6, 1910. In the case of *Atwater v. Hassett*, 2 Okl. 292, decided on Oct. 26, 1910, this section was upheld as not in violation of the Fifteenth Amendment of the Federal Constitution or the provision guaranteeing republican form of government to each state. On June 21, 1915, in *Guinn and Beal v. United States*, the supreme court of the United States held this section void as in violation of the Fifteenth Amendment, and, as the provisions of the section are inseparable, the whole amendment was held invalid. 238 U. S. 347.

tion and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act of the legislature.

SEC. 2. The first power reserved by the people is the initiative, and 8 per centum of the legal voters shall have the right to propose any legislative measure, and 15 per centum of the legal voters shall have the right to propose amendments to the constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by 5 per centum of the legal voters or by the legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the State office receiving the highest number of votes at such election.

SEC. 3. Referendum petitions shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the State shall be had at the next election held throughout the State, except when the legislature or the governor shall order a special election for the express purpose of making such reference. Any measure referred to the people by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast in such election. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise.

The style of all bills shall be: "Be it enacted by the people of the State of Oklahoma."

Petitions and orders for the initiative and for the referendum shall be filed with the secretary of state and addressed to the governor of the State, who shall submit the same to the people. The legislature shall make suitable provisions for carrying into effect the provisions of this article.

SEC. 4. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the legislature in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of such act from becoming operative.

SEC. 5. The powers of the initiative and referendum reserved to the people by this constitution for the State at large are hereby further reserved to the legal voters of every county and district therein, as to all local legislation, and action, in the administration of county and district government in and for their respective counties and districts.

The manner of exercising said powers shall be prescribed by general laws, except that boards of county commissioners may provide for the time of exercising the initiative and referendum powers as to local legislation in their respective counties and districts.

The requisite number of petitioners for the invocation of the initiative and referendum in counties and districts shall bear twice or double the ratio to the whole number of legal voters in such county or district as herein provided therefore in the State at large.

SEC. 5a. Each County in the State of Oklahoma may by a majority of the legal voters of such county voting upon the proposition, abolish township organization or government. The Board of County Commissioners of such county upon a petition signed by sixteen per centum of the total number of votes cast at the last general election for the county office receiving the highest number of votes, praying that the question of abolishing township organization or government be submitted to a vote of the county, shall within thirty days after the regular meeting of such board next convening after the filing of such petition, call a special election for such purpose, or the board may in their discretion submit such question at the next general election held after the filing of such

petition. If such question shall be carried, township organization or govern ment shall cease in such county, and all the duties theretofore performed by th township officers shall be cast upon and be performed by such county officer having like duties to perform in relation to the county at large as such townshi officers performed in relation to the township at large. At any general electio after the abolition of township organization or government the question o returning to township government may be submitted as provided for the sub mission of the question of abolishing such government, and if a majority of th votes cast upon such question be in favor of township government the same sha thereupon be established, and the Board of County Commissioners shall appoin the full quota of township officers, who shall hold their offices and perform th duties thereof until their successors shall have been elected at the next genera election and until they shall have been qualified. Except as otherwise specif cally provided by this section, the law relating to carrying into effect the initi tive and referendum provisions of the Constitution shall govern.[3]

SEC. 6. Any measure rejected by the people, through the powers of th initiative and referendum, can not be again proposed by the initiative withi three years thereafter by less than 25 per centum of the legal voters.

SEC. 7. The reservation of the powers of the initiative and referendum i this article shall not deprive the legislature of the right to repeal any law, pro pose or pass any measure, which may be consistent with the constitution of th State and the Constitution of the United States.

SEC. 8. Laws shall be provided to prevent corruption in making, procurin and submitting initiative and referendum petitions.

THE LEGISLATURE—SENATE.

SEC. 9. The senate, except as hereinafter provided, shall consist of not mor than 44 members, whose term of office shall be four years: Provided, That on senator elected at the first election from each even numbered district sha hold office until the fifteenth day succeeding the regular State election in 190 and one elected from each odd numbered district at said first election shall ho office until the fifteenth day succeeding the day of the regular State election i 1910: And provided further, That in districts electing two senators, the tw elected at the first election shall cast lots in such manner as the legislatu may prescribe to determine which shall hold the long and which the short ter

SEC. 9. (*a*) At the time each senatorial appointment is made after the ye 1910 the State shall be divided into 44 districts, to be called senatorial district each of which shall elect one senator; and the senate shall always be compose of 44 senators, except that in event any county shall be entitled to three more senators at the time of any appointment such additional senator or sen tors shall be given such county in addition to the 44 senators and the who number to that extent. Said districts shall be numbered from 1 to 44, inclusiv and each of said districts shall contain as near as may be an equal number inhabitants, such population to be ascertained by the next preceding Feder census, or in such manner as the legislature may direct, and shall be in compact form as practicable and shall remain unaltered until the next dec nial period, and shall at all times consist of contiguous territory.

SEC. 9. (*b*) No county shall ever be divided in the formation of a se torial district except to make two or more senatorial districts wholly in su county. No town and no ward in a city when constituting only one voti precinct, shall be divided in the formation of a senatorial district, nor sh any senatorial district contain a greater excess in population over an adjoini district in the same county than the population of a town, or ward in a ci constituting only one voting precinct therein, adjoining such district. Towns a wards in cities constituting only one voting precinct, which may, from th location, be included in either of two senatorial districts, shall be so placed as make such districts most nearly equal in number of inhabitants.

[3] Section 5A is a new section; it was proposed by the legislature of 1913 and ra fied on Aug. 5, 1913.

HOUSE OF REPRESENTATIVES.

SEC. 10. The house of representatives, until otherwise provided by law, shall consist of not more than 109 members, who shall hold office for two years: Provided, That the representatives elected at the first election shall hold office until the fifteenth day succeeding the day of the regular State election in 1908; And provided, That the day on which State elections shall be held shall be fixed by the legislature.

(*a*) The first legislature shall meet at the seat of government upon proclamation of the governor on the day named in said proclamation, which shall not be more than thirty days nor less than fifteen days after the admission of the State into the Union.

(*b*) The apportionment of this State for members of the legislature shall be made at the first session of the legislature after each decennial Federal census.

(*c*) The whole population of the State as ascertained by the Federal census, or in such manner as the legislature may direct, shall be divided by the number 100 and the quotient shall be the ratio of representation in the house of representatives for the next ten years succeeding such appointment.

(*d*) Every county having a population equal to one-half of said ratio shall be entitled to 1 representative; every county containing said ratio and three-fourths over shall be entitled to 2 representatives, and so on, requiring after the first 2 an entire ratio for each additional representative: Provided, That no county shall ever take part in the election of more than 7 representatives

(*e*) When any county shall have a fraction above the ratio so large that being multiplied by 5 the result will be equal to 1 or more ratios, additional representatives shall be apportioned for such ratio among the several sessions of the decennial period. If there are 2 ratios, representatives shall be allotted to the fourth and third sessions, respectively; if 3, the third, second, and first sessions, respectively; if 4, to the fourth, third, second, and first sessions, respectively.

(*f*) Any county forming with another county or counties a representative district during one decennial period if it has acquired sufficient population, at a fixed decennial period, shall be entitled to an additional representative, if there shall be left in the district from which it shall have been separated a population sufficient for a representative. No such change shall be made except at the regular decennial period for the apportionment of representatives.

(*g*) If in fixing any decennial ratio, a county previously a separate representative district shall have less than the number required by the ratio for a representative, such county shall be attached to a county adjoining it and become a part of such representative district.

(*h*) No county shall ever be divided in the formation of representative districts except to make two or more representative districts in such county. No town, or ward in a city, where it constitutes only one voting precinct, shall be divided in the formation of representative districts, nor shall any representative district contain a greater excess in population over an adjoining district in the same county than the population of a town or ward in a city, constituting only one voting precinct adjoining such district. Counties, towns, or wards in cities, constituting only one voting precinct, which, from location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants.

(*i*) Ascertaining the ratio of representation according to the Federal census, or such other enumeration as the legislature may provide, and attaching any county, previously having a separate representative but found to have less than the number required by the ratio, to an adjoining county; and determining the number of representatives each county or district shall be entitled to, and for what sessions of the legislature within the next decennial period; and apportioning the senators, shall be done by the legislature and be presented to the governor for his approval in the same manner as other bills which may be passed by the legislature.

(*j*) An apportionment by the legislature shall be subject to review by the supreme court at the suit of any citizen, under such rules and regulations as the

legislature may prescribe. And such court shall give all cases involving appor tionment precedence over all other cases and proceedings; and if said cour be not in session, it shall convene promptly for the disposal of the same.

LEGISLATIVE APPORTIONMENT.

SEC. 11. Until the apportionment is made by the legislature after the nex Federal decennial census, the State, except as otherwise provided, shall b divided into 33 senatorial districts, each of whom shall be composed of th counties as named, shall be numbered and elect senators as follows, namely:

First, Beaver, Cimarron, Harper, and Texas, 1 senator; Second, Beckham Dewey, Ellis, and Roger Mills, 2 senators; Third, Woods and Woodward, 1 sen ator; Fourth, Greer, 1 senator; Fifth, Jackson and Tillman, 1 senator; Sixth Custer, Kiowa, and Washita, 2 senators; Seventh, Alfalfa and Major, 1 senator Eighth, Garfield, 1 senator; Ninth, Osage, Grant and Kay, 2 senators; Tenth Noble and Pawnee, 1 senator; Eleventh, Creek and Payne, 1 senator; Twelfth Logan, 1 senator; Thirteenth, Lincoln and Pottawatomie, 2 senators; Fourteenth Canadian and Oklahoma, 2 senators; Fifteenth, Caddo and Grady, 2 senators Sixteenth, Blaine and Kingfisher, 1 senator; Seventeenth, Comanche, Jefferson and Stephens, 2 senators; Eighteenth, Carter, Love, and Murray, 2 senators Nineteenth, Cleveland, Garvin, and McClain, 2 senators; Twentieth, Atoka Bryan and Coal, 2 senators; Twenty-first, Latimer and Le Flore, 1 senator Twenty-second, Hughes and Okfuskee, 1 senator; twenty-third, Pontotoc an Seminole, 1 senator; Twenty-fourth, Choctaw, McCurtain, and Pushmataha, senator; Twenty-fifth, Pittsburg, 1 senator; Twenty-sixth, Marshall and John ston, 1 senator; Twenty-seventh, Haskell, McIntosh, and Muskogee, 2 senators Twenty-eighth, Adair and Sequoyah, 1 senator; Twenty-ninth, Mayes and Craig 1 senator; Thirtieth, Ottawa, Delaware, and Cherokee, 1 senator; Thirty-firs Tulsa and Washington, 1 senator; Thirty-second, Okmulgee and Wagoner, 1 sen ator; Thirty-third, Nowata and Rogers, 1 senator.

SEC. 12. The following counties shall each elect 1 member to the house o representatives: Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Canadian Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Craig, Creek, Custe Delaware, Dewey, Ellis, Grant, Harper, Haskell, Hughes, Jackson, Jefferson Johnston, Kingfisher, Latimer, Le Flore, Love, Major, Marshall, Mayes, Murray McClain, McCurtain, McIntosh, Noble, Nowata, Okfuskee, Okmulgee, Osag Ottawa, Pawnee, Payne, Pontotoc, Pushmataha, Rogers, Roger Mills, Seminol Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washit Woods, and Woodward.

SEC. 13. The following counties shall elect 2 members of the house of re resentatives: Bryan, Caddo, Carter, Garvin, Grady, Kay, Kiowa, Muskogee, an Pittsburg.

(*a*) Garfield, 1 to be elected from each of the following districts: Distri 1, the city of Enid, Enid township, and the townships of North Enid, Banne and Garland. District 2, all that part of Garfield county not contained District 1.

(*b*) Greer, 1 to be elected from each of the following districts: District all that part of Greer County lying east of the line between ranges 23 and 2 District 2, all that part of Greer County not contained in District 1.

(*c*) Lincoln, 1 to be elected from each of the following districts: Distri 1, the townships of Pawnee, Ponca, North Fox, South Fox, North Keokuk, Sou Keokuk, North Creek, South Creek, North Seminole, South Seminole, Nor Choctaw, and South Choctaw, with all towns and cities contained therein. D trict 2, all that part of Lincoln county not contained in district 1.

SEC. 14. The following counties shall elect 3 members each: Pottawatom and Logan.

Pottawatomie shall elect 3 members at large. Logan, with 3 members pr rated as follows: District 1 shall be composed of the townships of Marsha Bismarck, Orlando, Oak View, Rose Hill, Mulhall, Crescent, Woodland, Lawr Cedar, Iron Mound, Spring Creek, Antelope, and North Cimarron, and all tow and villages therein. District 2 shall consist of all that part of the city Guthrie described as follows: That part of the First Ward lying north of Ha

rison avenue, the Second Ward, the Third Ward, the Fourth Ward, and all of the Fifth Ward except that part lying south of Cleveland avenue and east of Fourteenth street. District 3 shall consist of all that part of Logan County not included in districts 1 and 2.

SEC. 15. Oklahoma County shall have representatives to be elected as follows: 1 from the county at large. The other 3 to be prorated as follows: District 1, Oklahoma City, and the townships of Oklahoma and Greely, with all towns and cities contained therein, 2 members. District 2, all that part of Oklahoma County not contained in district 1, one member.

SEC. 16. (*a*) The following pairs of counties shall compose additional legislative districts and each district shall elect 1 member to the house of representatives: Johnston and Coal, Bryan and Atoka, Pontotoc and Seminole, Muskogee and Haskell, Pittsburg and Hughes, Comanche and Stephens, Washita and Custer, Pottawatomie and Lincoln, Sequoyah and Le Flore, Alfalfa and Grant, Craig and Rogers, Garfield and Kingfisher, Payne and Pawnee, Creek and Tulsa.

(*b*) The following trio of counties shall constitute one legislative district with one member: Caddo, Canadian, and Cleveland.

QUALIFICATIONS AND RIGHTS OF MEMBERS.

SEC. 17. Members of the senate shall be at least 25 years of age, and members of the house of representatives 21 years of age at the time of their election. They shall be qualified electors in their respective counties or districts and shall reside in their respective counties or districts during their term of office.

SEC. 18. No person shall serve as a member of the legislature who is, at the time of such service, an officer of the United States or State government, or is receiving compensation as such; nor shall any person be eligible to election to the legislature who has been adjudged guilty of a felony.

SEC. 19. A member of the legislature expelled for corruption shall not thereafter be eligible to membership in either house. Punishment for contempt or disorderly conduct, or for any other cause, shall not bar an indictment for the same offense.

SEC. 20. The governor shall issue writs of election to fill such vacancies as may occur in the legislature.

SEC. 21. Members of the legislature shall receive $6 per diem for their services during the session of the legislature, and 10 cents per mile for every mile of necessary travel in going to and returning from the place of meeting of the legislature, on the most usual route, and shall receive no other compensation: Provided, That members of the legislature, except during the first session thereof held under this constitution, shall receive only $2 per diem for their services after sixty days of such session have elapsed.

SEC. 22. Senators and representatives shall, except for treason, felony, or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same, and for any speech or debate in either house shall not be questioned in any other place.

SEC. 23. No member of the legislature shall, during the term of which he was elected, be appointed or elected to any office or commission in the State, which shall have been created, or the emoluments of which shall have been increased, during his term of office, nor shall any member receive any appointment from the governor, the governor and senate, or from the legislature, during the term for which he shall have been elected, nor shall any member, during the term for which he shall have been elected, or within two years thereafter, be interested, directly or indirectly, in any contract with the State, or any county or other subdivision thereof, authorized by law passed during the term for which he shall have been elected.

SEC. 24. A member of the legislature who has a personal or private interest in any measure or bill, proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SESSIONS OF LEGISLATURE.

SEC. 25. The first session of the legislature, held by virtue of this constitution, shall not exceed one hundred and sixty days.

SEC. 26. The members of the legislature shall meet at the seat of government on the first Tuesday after the first Monday in January at 12 o'clock, noon, in the year next succeeding their election, or upon such other day as may be provided by law.

SEC. 27. The legislature shall hold regular biennial sessions as herein provided, but this shall not prevent the calling of a special session of the legislature by the governor.

ORGANIZATION AND RULES.

SEC. 28. The senate shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members president pro tempore, who shall preside over its deliberations in the absence or place of the lieutenant-governor; and the senate shall provide for all its standing committees and, by a majority vote, elect the members thereof.

SEC. 29. The house of representatives shall, at the beginning of each regular session and at such other times as may be necessary, elect one of its members speaker.

SEC. 30. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalty as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same. The yeas and nays of the members of either house or any question, at the desire of one-fifteenth of those present, shall be entered upon its journal.

Neither house, during the session of the legislature, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 31. In all elections made by the legislature, except for officers and employees thereof, the members thereof shall vote yea or nay, and each vote shall be entered upon the journal.

SEC. 32. No special or local law shall be considered by the legislature until notice of the intended introduction of such bill or bills shall first have been published for four consecutive weeks in some weekly newspaper published or of general circulation in the city or county affected by such law, stating in substance the contents thereof, and verified proof of such publication filed with the secretary of state.

SEC. 33. All bills for raising revenue shall originate in the house of representatives. The senate may propose amendments to revenue bills. No revenue bill shall be passed during the five last days of the session.

SEC. 34. Every bill shall be read on three different days in each house and no bill shall become a law unless, on its final passage, it be read at length and no law shall be passed unless upon a vote of a majority of all the members elected to each house in favor of such law; and the question, upon final passage shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

SEC. 35. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, immediately after the same shall have been publicly read at length and the fact of reading and signing shall be entered upon the journal, but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which vote, by yeas and nays, shall also be entered upon the journal.

POWERS AND DUTIES.

SEC. 36. The authority of the legislature shall extend to all rightful subjects of legislation, and any specific grant of authority in this constitution upon any subject whatsoever, shall not work a restriction, limitation, or exclusion of such authority upon the same or any other subject or subjects whatsoever

SEC. 37. The legislature shall have the power to establish a state printing plant and to provide for the election or appointment of a state printer.

SEC. 38. The legislature shall provide for the establishment of a state geological and economic survey.

SEC. 39. The legislature shall create a board of health, board of dentistry, board of pharmacy, and pure food commission, and prescribe the duties of each. All physicians, dentists, and pharmacists now legally registered and practicing in Oklahoma and Indian Territory shall be eligible to registration in the State of Oklahoma without examination or cost.

SEC. 40. The legislature shall provide for organizing, disciplining, arming, maintaining, and equipping the militia of the State.

SEC. 41. The legislature may enact laws authorizing cities to pension meritorious and disabled firemen.

SEC. 42. In any legislative investigation either house of the legislature, or any committee thereof, duly authorized by the house creating the same, shall have power to punish as for contempt, disobedience of process, or contumacious or disorderly conduct, and, this provision shall also apply to joint sessions of the legislature, and also to joint committees thereof, when authorized by joint resolution of both houses.

SEC. 43. The legislature shall, in the year 1909 and each ten years thereafter, make provision by law for revising, digesting, and promulgating the statutes of the State.

SEC. 44. The legislature shall define what is an unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, and enact laws to punish persons engaged in any unlawful combination, monopoly, trust, act, or agreement, in restraint of trade, or composing any such monopoly, trust, or combination.

SEC. 45. The legislature shall pass such laws as are necessary for carrying into effect the provisions of this constitution.

LIMITATIONS.

SEC. 46. The legislature shall not, except as otherwise provided in this constitution, pass any local or special law authorizing the creation, extension, or impairing of liens; regulating the affairs of counties, cities, towns, wards, or school districts; changing the names of persons or places; authorizing the laying out, opening, altering, or maintaining of roads, highways, streets, or alleys; relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State; vacating roads, town plats, streets, or alleys; relating to cemeteries, graveyards, or public grounds not owned by the State; authorizing the adoption or legitimation of children; locating or changing county seats; incorporating cities, towns, or villages, or changing their charters; for the opening and conducting of elections, or fixing or changing the places of voting; granting divorces; creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts; changing the law of descent or succession; and regulating the practice or jurisdiction of, or changing the rules of evidence in judicial proceedings or inquiry before the courts, justices of the peace, sheriffs, commissioners, arbitrators, or other tribunals, or providing or changing the methods for the collection of debts, or the enforcement of judgments or prescribing the effect of judicial sales of real estate; regulating the fees, or extending the powers and duties of aldermen, justices of the peace, or constables; regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes; fixing the rate of interest; affecting the estate of minors, or persons under disability; remitting fines, penalties and forfeitures, and refunding moneys legally paid into the treasury; exempting property from taxation; declaring any named person of age; extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from due performance of his official duties, or his securities from liability; giving effect to informal or invalid wills or deeds; summoning or impaneling grand or petit juries; for limitation of civil or criminal actions; for incorporating

railroads or other works of internal improvements; providing for change of venue in civil and criminal cases.

SEC. 47. The legislature shall not retire any officer on pay or part pay, or make any grant to such retiring officer.

SEC. 48. The legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration in this State.

SEC. 49. The legislature shall not increase the number or emolument of its employees, or the employees of either house, except by general law, which shall not take effect during the term at which such increase was made.

SEC. 50. The legislature shall pass no law exempting any property within this State from taxation, except as otherwise provided in this constitution.

SEC. 51. The legislature shall pass no law granting to any association, corporation, or individual any exclusive rights, privileges, or immunities within this State.

SEC. 52. The legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this State. After suit has been commenced on any cause of action, the legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.

SEC. 53. The legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liabilities, or obligations of any corporation, or individual to this State, or any county or other municipal corporation thereof.

MISCELLANEOUS PROVISIONS.

SEC. 54. The repeal of a statute shall not revive a statute previously repealed by such statute, nor shall such repeal affect any accrued right, or penalty incurred, or proceedings begun by virtue of such repealed statute.

SEC. 55. No money shall ever be paid out of the treasury of this State, nor any of its funds, nor any of the funds under its management, except in pursuance of an appropriation by law, nor unless such payments be made within two and one-half years after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

SEC. 56. The general appropriation bill shall embrace nothing but appropriations for the expenses of the executive, legislative, and judicial departments of the State, and for interest on the public debt. The salary of no officer or employee of the State, or any subdivision thereof, shall be increased in such bill, nor shall any appropriation be made therein for any such officer or employee, unless his employment and the amount of his salary shall have been already provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 57. Every act of the legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred by reference to its title only; but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length: Provided, That if any subject be embraced in any act contrary to the provisions of this section, such act shall be void only as to so much of the law as may not be expressed in the title thereof.

SEC. 58. No act shall take effect until ninety days after the adjournment of the session at which it was passed, except enactments for carrying into effect provisions relating to the initiative and referendum, or a general appropriation bill, unless, in case of emergency, to be expressed in the act, the legislature, by a vote of two-thirds of all members elected to each house, directs. An emergency measure shall include only such measures as are immediately necessary for the preservation of the public peace, health, or safety

nd shall not include the granting of franchises or license to a corporation r individual, to extend longer than one year, nor provision for the purchase r sale of real estate, nor the renting or encumbrance of real property for a nger term than one year. Emergency measures may be vetoed by the overnor, but such measures so vetoed may be passed by a three-fourths vote f each house, to be duly entered on the journal.

SEC. 59. Laws of a general nature shall have a uniform operation throughut the State, and where a general law can be made applicable, no special w shall be enacted.

SEC. 60. The legislature shall provide by law for the establishment and aintenance of an efficient system of checks and balances between the officers the executive department, and all commissioners and superintendents, and ards of control of State institutions, and all other officers intrusted with the llection, receipt, custody, or disbursement of the revenue or moneys of the tate whatsoever.

ARTICLE VI.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive authority of the State shall be vested in a overnor, lieutenant-governor, secretary of state, state auditor, attorney-general, ate treasurer, superintendent of public instruction, state examiner and inspector, ief mine inspector, commissioner of labor, commissioner of charities and corctions, commissioner of insurance, and other officers provided by law and is constitution, each of whom shall keep his office and public records, books, d papers at the seat of government, and shall perform such duties as may designated in this constitution or prescribed by law.

SEC. 2. The supreme executive power shall be vested in a chief magistrate, ho shall be styled "The governor of the State of Oklahoma."

SEC. 3. No person shall be eligible to the office of governor, lieutenantvernor, secretary of state, state auditor, attorney-general, state treasurer, perintendent of public instruction, or state examiner and inspector, except a le citizen of the United States, of the age of not less than 30 years, and o shall have been three years next preceding his election a qualified elector this State: Provided, That residence in this State shall include the territory w embraced in this State.

SEC. 4. The term of office of the governor, lieutenant-governor, secretary state, state auditor, attorney-general, state treasurer, state examiner and spector, and superintendent of public instruction shall be four years from e second Monday of January next after their election. The governor, secrery of state, state auditor, and state treasurer shall not be eligible immediately succeed themselves. The term of the state officers chosen at the first election der this constitution shall begin on the day on which the State is admitted o the Union, and expire on the second Monday of January in the year 1911.

SEC. 5. The returns of every election for all elective State officers shall sealed up and transmitted by the returning officers to the secretary of state, ected to the speaker of the house of representatives, who shall, immediately er the organization of the house, and before proceeding to other business, en and publish the same in the presence of a majority of each branch of the gislature, who shall for that purpose assemble in the hall of the house of presentatives. The persons respectively having the highest number of votes for ther of the said offices shall be declared duly elected; but in case two or more ll have an equal and the highest number of votes for either of said offices, legislature shall, forthwith, by joint ballot, choose one of the said persons having an equal and the highest number of votes for said office.

GOVERNOR.

SEC. 6. The governor shall be commander in chief of the militia of the ate, except when in service of the United States, and may call out the same execute the laws, protect the public health, suppress insurrection, and repel asion.

SEC. 7. The governor shall have power to convoke the legislature, or t
senate only, on extraordinary occasions. At extraordinary sessions, no subje
shall be acted upon, except such as the governor may recommend for co
sideration.

SEC. 8. The governor shall cause the laws of the State to be faithful
executed, and shall conduct in person or in such manner as may be prescrib
by law all intercourse and business of the State with other States and wi
the United States, and he shall be a conservator of the peace throughout t
State.

SEC. 9. At every session of the legislature, and immediately upon i
organization, the governor shall communicate by message, delivered to a joi
session of the two houses, upon the condition of the State; and shall recor
mend such matters to the legislature as he shall judge expedient. He sh
also transmit a copy, to each house, of the full report of each State offic
and State commission. He shall communicate, from time to time, such matte
as he may elect or the legislature may require.

SEC. 10. The governor shall have power to grant, after conviction, reprieve
commutations, paroles, and pardons for all offenses, except cases of impeac
ment, upon such conditions and with such restrictions and limitations as
may deem proper, subject to such regulations as may be prescribed by la
He shall communicate to the legislature, at each regular session, each case
reprieve, commutation, parole, or pardon, granted, stating the name of t
convict, the crime of which he was convicted, the date and place of convicti
and the date of commutation, pardon, parole, or reprieve.

SEC. 11. Every bill which shall have passed the senate and house of rep
senatives, and every resolution requiring the assent of both branches of t
legislature, shall, before it becomes a law, be presented to the governor;
he approve, he shall sign it; if not, he shall return it with his objections
the house in which it shall have originated, who shall enter the objections
large in the journal and proceed to reconsider it. If, after such reconsideratio
two-thirds of the members elected to that house shall agree to pass the b
or joint resolution, it shall be sent, together with the objections, to the oth
house, by which it shall likewise be reconsidered; and, if approved by tw
thirds of the members elected to that house, it shall become a law, notwit
standing the objections of the governor. In all such cases, the vote in bo
houses shall be determined by yeas and nays, and the names of the membe
voting shall be entered on the journal of each house respectively. If any b
or resolution shall not be returned by the governor within five days (Sund
excepted) after it shall have been presented to him, the same shall be a la
in like manner as if he had signed it, unless the legislature shall, by th
adjournment, prevent its return, in which case it shall not become a law witho
the approval of the governor. No bill shall become a law after the fi
adjournment of the legislature, unless approved by the governor within fifte
days after such adjournment.

SEC. 12. Every bill passed by the legislature making appropriations
money embracing distinct items, shall, before it becomes a law, be presented
the governor; if he disapprove the bill, or any item, or appropriation there
contained, he shall communicate such disapproval, with his reasons theref
to the house in which the bill shall have originated, but all items not disapprov
shall have the force and effect of law according to the original provisions
the bill. Any item or items so disapproved shall be void, unless repassed
a two-thirds vote, according to the rules and limitations prescribed in t
preceding section in reference to other bills: Provided, That this section sh
not relieve emergency bills of the requirement of the three-fourths vote.

SEC. 13. The governor shall commission all officers not otherwise co
missioned by law. All commissions shall run in the name and by the author
of the "State of Oklahoma," be signed by the Governor, sealed with the gr
seal of the State of Oklahoma, and attested by the secretary of state. Wh
any office shall become vacant, he shall, unless otherwise provided by la
appoint a person to fill such vacancy, who shall continue in office until

successor shall have been duly elected or appointed, and qualified according to law.

SEC. 14. In case of a disagreement between the two houses of the legislature, at a regular or special session, with respect to the time of adjournment, the governor may, if the facts be certified to him, by the presiding officer of the house first moving the adjournment, adjourn them to such time as he shall deem proper, not beyond the day of the next stated meeting of the legislature. He may convoke the legislature at or adjourn it to another place, when, in his opinion, the public safety or welfare, or the safety or health of the members require it: Provided, however, That such change or adjournment shall be concurred in by a two-thirds vote of all the members elected to each branch of the legislature.

LIEUTENANT-GOVERNOR.

SEC. 15. The lieutenant-governor shall possess the same qualifications of eligibility for office as the governor. He shall be president of the senate, but shall have only a casting vote therein, and also in joint vote of both houses. If, during a vacancy of the office of governor, the lieutenant-governor shall be impeached, displaced, resign, die, or be absent from the State, or become incapable of performing the duties of the office, the president pro tempore of the senate shall act as governor until the vacancy be filled or the disability shall cease; and if the president pro tempore of the senate, for any of the above enumerated causes, shall become incapable of performing the duties pertaining to the office of governor, the speaker of the house of representatives shall act as governor until the vacancy be filled or the disability shall cease. Further provisions for succession to the office of governor shall be prescribed by law.

SEC. 16. In the case of impeachment of the governor, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the lieutenant-governor for the residue of the term or until the disability shall be removed.

SECRETARY OF STATE.

SEC. 17. The secretary of state shall keep a register of the official acts of the governor, and when necessary, shall attest them, and shall lay copies of the same, together with copies of all papers relative thereto, before either house of the legislature, when required to do so. He shall also perform such other duties as shall be prescribed by law.

SEC. 18. The secretary of state shall be the custodian of the seal of the State, and authenticate therewith all official acts of the governor, except his approval of laws. The said seal shall be called "The great seal of the State of Oklahoma."

STATE EXAMINER AND INSPECTOR.

SEC. 19. The state examiner and inspector must have had at least three years' experience as an expert accountant; his duties shall be, without notice to such treasurer, to examine the State and all county treasurers' books, accounts, and cash on hand or in bank at least twice each year, and publish his report as to every such treasurer once each year. For the purpose of such examination he shall take complete possession of such treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all treasurers. Other duties and powers may be added by law.

COMMISSIONER OF LABOR.

SEC. 20. A department of labor is hereby created to be under the control of a commissioner of labor who shall be elected by the people, whose term of office shall be four years, and whose duties shall be prescribed by law.

SEC. 21. The legislature shall create a board of arbitration and conciliation in the department of labor and the commissioner of labor shall be ex officio chairman.

THE INSURANCE COMMISSIONER.

SEC. 22. There is hereby established an insurance department, which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State.

SEC. 23. There shall be elected by the qualified electors of the State, at the first general election, a chief officer of said department, who shall be styled "the insurance commissioner," whose term of office shall be four years: Provided, That the first term of the insurance commissioner, so elected, shall expire at the time of the expiration of the term of office of the first governor elected. Said insurance commissioner shall be at least 25 years of age and well versed in insurance matters.

SEC. 24. The insurance commissioner shall give bond, perform such duties and possess such further qualifications as may be prescribed by law.

CHIEF MINE INSPECTOR.

SEC. 25. The office of chief inspector of mines, oil, and gas is hereby created, and the incumbent of said office shall be known as the chief mine inspector. The term of said office shall be four years, and no person shall be elected to said office unless he shall have had eight years' actual experience as a practical miner, and such other qualifications as may be prescribed by the legislature. The chief mine inspector shall perform the duties, take the oath and execute the bond prescribed by the legislature.

SEC. 26. The legislature shall create mining districts and provide for the appointment or election of assistant inspectors therein, who shall be under the general control of the chief mine inspector, and the legislature shall define their qualifications and duties and fix their compensation.

COMMISSIONER OF CHARITIES AND CORRECTIONS.

SEC. 27. A commissioner of charities and corrections shall be elected in the same manner, at the same time, and for the same term as shall the governor. Said officer may be of either sex, and shall be 25 years of age or over; in all other respects said officer shall have the qualifications which shall be required of the governor.

SEC. 28. The commissioner of charities and corrections shall have the power, and it is hereby made his or her duty, to investigate the entire system of public charities and corrections, to examine into the condition and management of all prisons, jails, almshouses, reformatories, reform and industrial schools, hospitals, infirmaries, dispensaries, orphanages, and all public and private retreats and asylums, which derive their support wholly or in part from the State, or from any county or municipality within the State; and the officers of the various institutions named herein shall promptly, upon demand, furnish the said commissioner with such information, relating to their respective institutions, as shall be demanded by said commissioner, in writing. The said commissioner shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The said commissioner shall have the power to administer oaths to such persons as may be summoned, and to enforce all such powers as are given to notaries public when they are taking depositions. A full report of said investigation, including the testimony, shall be promptly made to the governor, and shall be transmitted by him to the next legislature with any suggestions which he may desire to make.

SEC. 29. On the 1st day of October of each year, and at any time on request of the governor, the said commissioner shall make a full and complete report of the operations and administration of said office, with such suggestions as said commissioner may deem suitable and pertinent.

SEC. 30. The legislature shall have the power to alter, amend, or add to the duties of, or grant additional authority to, such commissioner.

BOARD OF AGRICULTURE.

SEC. 31. A board of agriculture is hereby created to be composed of five members, all of whom shall be farmers and shall be selected in the manner prescribed by law.

Said board shall be maintained as a part of the State government and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulations, and shall be the board of regents of all State agricultural and mechanical colleges, and shall discharge such other duties and receive such compensation as now is, or may hereafter be, provided by law.[4]

[4] Section 31 has been amended twice; the first amendment was proposed by the initiative and was ratified on Nov. 5, 1912; the present amendment was proposed by the legislature of 1913 and was ratified on Aug. 5, 1913. The text of the amendment of 1912 is as follows: Sec. 31. (a) A Board of Agriculture is hereby created to be composed of eleven members, all of whom shall be farmers, and shall be selected in manner prescribed by law. Said Board shall be maintained as a part of the State Government and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulations, and shall be the Board of Regents of all Agricultural and Mechanical Colleges and shall discharge such other duties and receive such compensation as may be provided by law.

(b) Until otherwise provided by law said Board shall consist of a President and ten Directors; each Director shall be an actual farmer for three years next preceding his election; such Director to be elected by an annual State Institute, which shall assemble at Stillwater, Okla., on the second Wednesday in August of each year; such State Institute to be composed of one delegate from each county in this State; such delegate to be elected at the Annual County Institute which shall be held at the County Seat of each County on the second Wednesday in July in each year, between the hours of two and five o'clock p. m.; Provided, that after the first State Institute held hereunder at which Directors for each of the five Supreme Court Judicial Districts shall be elected, only such counties as are contained within the Supreme Court Judicial Districts wherein the term of a director will expire, or a vacancy shall occur, will be required to elect Delegates. Each Director shall be elected by the County Delegates from the Supreme Court Judicial District within which he resides.

(c) No Director and no employee of the State Board of Agriculture shall receive any compensation for attendance at such Annual County Institute, nor for attendance upon or around any session of the State Legislature unless requested by such Legislature to attend for the purpose of furnishing desired information.

(d) The County Delegate to the State Institute shall be a farmer, and elected by the votes of such. Any farmer who is a legal voter in the County shall be entitled to vote for such delegate without the payment of any fee.

(e) No employee of the State Board of Agriculture shall be eligible as such delegate, nor shall any delegate be eligible to appointment to any position under such Board for twelve months after the date of the State Institute at which he is a delegate.

(f) On the third Wednesday after the issuance of the Governor's proclamation declaring this section adopted the Annual County Institutes for the current year shall be held in each County and shall be in lieu of the Annual County Institute herein provided to be held on the second Wednesday in July of such year; and four weeks after the date of such County Institutes the State Institute shall meet at Stillwater, which State Institute shall be in lieu of the Annual State Institute for the current year herein provided to be held on the second Wednesday in August.

(g) At such State Institute ten Directors of the State Board of Agriculture shall be elected, two from each Supreme Court Judicial District, and they shall immediately thereafter determine by lot their respective terms of office. Two of such Directors shall hold office for a term of one year, two for two years, two for three years, two for four years, and two for five years; added to the term of each shall be the time intervening between the date of such election and the second Wednesday in August next following.

Two directors shall be elected by each annual state institute thereafter.

(h) No Directors shall be elected by each Annual State Institute thereafter. No Director shall be elected to succeed himself.

(i) No Director shall be appointed to any salaried position under the Board during the term for which he was elected.

(j) Directors shall receive such compensation and perform such duties as now provided for the members of the State Board of Agriculture, or such as may hereafter be provided by law; Provided, that no Director shall receive pay for more than sixty days in any one year.

(k) Any Director removing from his District shall cease to be a member of the Board.

(l) The President of the State Board of Agriculture who is serving at the time of the adoption of this Section, shall, unless sooner removed for cause, continue in office for the remainder of the term for which he was elected, and the President shall continue to be elected as by law required.

(m) All laws now in force with reference to the duties or compensation of the State Board of Agriculture or the State or County Institutes, not in conflict with this Section, shall continue in full force and effect.

(n) All that portion of this Section, beginning with Paragraph "b" and continuing to the end of the section, shall be subject to amendment by the Legislature or by Initiative Petition as other laws are subject to amendment.

COMMISSIONERS OF THE LAND OFFICE.

SEC. 32. The governor, secretary of state, state auditor, superintendent of public instruction, and the president of the board of agriculture, shall constitute the commissioners of the land office, who shall have charge of the sale, rental, disposal, and managing of the school lands and other public lands of the State, and of the funds and proceeds derived therefrom, under rules and regulations prescribed by the legislature.

SEC. 33. An account shall be kept by the officers and commissioners of the State of all moneys and choses in action disbursed or otherwise disposed of severally by them, from all sources, and for every service performed; and a report thereof shall be made semi-annually and as often as may be required by law, to the governor under oath. The governor may, at any time, require information in writing, under oath, from all officers and commissioners of the State, and all officers of State institutions, penal, eleemosynary, educational, and industrial, and on any subject relating to their respective offices and institutions which information, when so required, shall be furnished by such officers and managers, and any officer or manager who, at any time, shall make a false report shall be punished as by law provided.

SEC. 34. Each of the officers in this article named shall, at stated times during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected, nor shall he receive to his use, any fees, costs, or perquisites of office or other compensation.

SEAL OF THE STATE.

SEC. 35. In the center shall be a five-pointed star, with one ray directed upward. The center of the star shall contain the central device of the seal of the Territory of Oklahoma, including the words, "Labor Omnia Vincit." The upper left-hand ray shall contain the symbol of the ancient seal of the Cherokee Nation, namely: A seven-pointed star partially surrounded by a wreath of oak leaves. The ray directed upward shall contain the symbol of the ancient seal of the Chickasaw Nation, namely: An Indian warrior standing upright with bow and shield. The lower left-hand ray shall contain the symbol of the ancient seal of the Creek Nation, namely: A sheaf of wheat and a plow. The upper right-hand ray shall contain the symbol of the ancient seal of the Choctaw Nation, namely: A tomahawk, bow, and three crossed arrows. The lower right-hand ray shall contain the symbol of the ancient seal of the Seminole Nation, namely: A village with houses and a factory beside a lake upon which an Indian is paddling a canoe. Surrounding the central star and grouped between its rays shall be 45 small stars, divided into 5 clusters of 9 stars each representing the 45 States of the Union, to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed, "GREAT SEAL OF THE STATE OF OKLAHOMA 1907."

ARTICLE VII.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in the senate sitting as a court of impeachment, a supreme court, district courts, county courts, courts of justices of the peace, municipal courts, and such other courts, commissions, or boards, inferior to the supreme court, as may be established by law.

SEC. 2. The appellate jurisdiction of the supreme court shall be coextensive with the State, and shall extend to all civil cases at law and in equity, and to all criminal cases until a criminal court of appeals with exclusive appellate jurisdiction in criminal cases shall be established by law. The original jurisdiction of the supreme court shall extend to a general superintending control over all inferior courts and all commissions and boards created by law. The supreme court shall have power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition, and such other

remedial writs as may be provided by law, and to hear and determine the same; and the supreme court may exercise such other and further jurisdiction as may be conferred upon it by law. Each of the justices shall have power to issue writs of habeas corpus to any part of the State upon petition by or on behalf of any person held in actual custody, and make such writs returnable before himself, or before the supreme court, or before any district court, or judge thereof, in the State.

SEC. 3. The supreme court shall consist of 5 justices until the number shall be changed by law. The State shall be divided into 5 supreme court judicial districts until the legislature shall change the number of members of the court, at which time the legislature shall redistrict the State to conform to the number of justices of the supreme court. From each of said districts candidates for justice of the supreme court shall be nominated by political parties, or by petitioners of the respective districts, in the manner provided by law, and such candidates shall be voted for by the qualified voters of the State at large, and no elector at such election shall vote for more than one candidate from each district. The candidate from each district receiving the highest number of votes cast in the State at said election shall be declared the justice elect in said district. A majority of the members of the supreme court shall constitute a quorum, and the concurrence of the majority of said court shall be necessary to decide any question. No person shall be eligible to the office of justice of the supreme court unless he shall be at the time of his election a citizen of the United States and shall have been a resident of the territory embraced within the State for a period of two years, and of the territory comprising the district from which he is elected for a period of one year; and unless he shall have attained the age of 30 years and shall have been a lawyer licensed by some court of record, or shall have been a judge of some court of record, or such judge and lawyer together at least five years.

The term of office of the justices of the supreme court shall be six years, except as herein provided. Each member of such court shall be a conservator of the peace throughout the State; and in case of a vacancy in the membership of said court, the governor shall, by appointment from the district, fill such vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State.

SEC. 4. The term of office of the justices of the supreme court shall commence on the second Monday of January following their election: Provided, however, That the term of office of the justices elected at the first election under this constitution shall commence upon the admission of the State into the Union, and shall continue as hereinafter provided. Those appointed or elected to fill vacancies shall enter upon the discharge of their duties as soon as they qualify.

SEC. 5. The sessions of the supreme court shall be held at the seat of government, and the sessions and duration thereof shall be fixed by rule of said court, until fixed by the legislature; but the first term of the supreme court shall be held within ninety days after the admission of the State. The supreme court shall render a written opinion in each case within six months after said case shall have been submitted for decision.

SEC. 6. At the first session of the supreme court the justices thereof shall elect one of their number chief justice, who shall serve as chief justice until the expiration of his term of office; thereafter the chief justice shall be elected in the manner provided by law. Of the justices elected at the first election, the term of two of them shall expire at the close of the day next preceding the second Monday in January, 1909; and the term of two of the others shall expire at the close of the day next preceding the second Monday in January, 1911; and the term of the other justice shall expire at the close of the day next preceding the second Monday in January, 1913. The supreme court shall, by order duly entered in its minutes, provide the means of determining by lot the expiration of the terms of each of the justices as hereinbefore provided, and shall determine in accordance therewith, and enter in the minutes

of the court its order showing the expiration of the term of each of suc justices. After the first election, justices of the supreme court shall be electe at the general biennial election next preceding the beginning of their respectiv terms.

SEC. 7. There shall be elected by the qualified electors of the State a each election for governor, a clerk of the supreme court, who shall be at lea 25 years of age and a qualified elector of the State, and whose term shall b the same as that of the governor, and he shall give bond for faithful pe formance of his duty as may be prescribed by law.

SEC. 8. The appellate and the original jurisdiction of the supreme cou shall be invoked in the manner now prescribed by the laws of the Territory Oklahoma until the legislature shall otherwise provide.

SEC. 9. Until otherwise provided by law, the State shall be divided int 21 judicial districts, and the qualified electors in each of the said district shall elect a judge of the district court as provided herein, except in th thirteenth judicial district two judges shall be elected. Such judge shall b a citizen of the United States, and shall have been a resident of the territor embraced within the State for two years, and of the territory comprisin his district at least one year, prior to his election; and he sha have been a lawyer licensed by some court of record, or shall have been a judg of some court of record, or both such lawyer and judge, for four years nex preceding his election, and shall reside in his district during his term of offic The term of office of the district judge shall be four years, and at the time his election he shall have reached the age of 25 years. Regular terms the district court shall be held in each organized county of this State at least twice in each year. The time of convening the district court in eac county in this State, until the legislature shall otherwise provide, and th duration of the term, shall be fixed by the supreme court of the State. Th term of the district judges elected at the first election shall expire on th last day next preceding the second Monday in January, 1911, and the judg of the district court thereafter shall be elected at the general election nex preceding the commencement of their terms of office.

In case of the illness of the judge elected in any district, or if for any othe cause he shall be unable to preside in the district in which he was electe the chief justice may designate any district judge in the State to hold an term of court in said district in lieu of the judge elected to hold the court of said district. Whenever the public business shall require it, the chief justic may appoint any district judge of the State to hold court in any district, an two or more district judges may sit in any district separately at the sam time. In the event any judge shall be disqualified for any reason from tryin any case in his district, the parties to such case may agree upon a judge pr tempore to try the same, and if such parties can not agree, at the request of either party a judge pro tempore may be elected by the members of the ba of the district, present at such term. If no election for judge pro tempor shall be had, the chief justice of the State shall designate some other distric judge to try such case.

SEC. 10. The district court shall have original jurisdiction in all case civil and criminal, except where exclusive jurisdiction is by this constitutio or by law, conferred on some other court, and such appellate jurisdiction may be provided in this constitution, or by law. The district courts, or an judge thereof, shall have power to issue writs of habeas corpus, mandamu injunction, quo warranto, certiorari, prohibition, and other writs, remedi or otherwise, necessary or proper to carry into effect their orders, judgment or decrees. The district courts shall also have the power of naturalizatio in accordance with the laws of the United States.

SEC. 11. There is hereby established in each county in this State a coun court, which shall be a court of record; and, at the election to ratify th constitution there shall be elected in each county a county judge, who sha hold his office until the close of the day next preceding the second Monda in January, 1911; and thereafter the term of office of the county judge sha be two years, and he shall be elected at each biennial general election. Th

county judge shall be a qualified voter and a resident of the county at the time of his election, and a lawyer licensed to practice in any court of record of the State. The county judge shall be judge of the county court.

SEC. 12. The county court, coextensive with the county, shall have original jurisdiction in all probate matters, and until otherwise provided by law, shall have concurrent jurisdiction with the district court in civil cases in any amount not exceeding $1,000, exclusive of interest: Provided, That the county court shall not have jurisdiction in any action for malicious prosecution, or in any action for divorce or alimony, or in any action against officers for misconduct in office, or in actions for slander or libel, or in actions for the specific performance of contracts for the sale of real estate, or in any matter wherein the title or boundaries of land may be in dispute or called in question; nor to order or decree the partition or sale of real estate, not arising under its probate jurisdiction.

It shall have such appellate jurisdiction of the judgments of justices of the peace in civil and criminal cases as may be provided by law, or in this constitution. The county court shall have jurisdiction concurrent with justices of the peace in misdemeanor cases, and exclusive jurisdiction in all misdemeanor cases of which justices of the peace have not jurisdiction. In the absence of the judge of the district court from the county, or in case of his disqualification for any reason, the county court, or judge thereof, shall have power to issue writs of injunction in matters about to be brought or pending in the district court; and to issue writs of injunction, mandamus, and all writs necessary to enforce the jurisdiction of the county courts; and issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court or any other court or tribunal inferior to said court.

When the county judge is disqualified in any case pending in the county court, a judge pro tempore may be selected in the manner provided for the selection of judges pro tempore in the district court.

SEC. 13. The county court shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration, settle accounts of executors, administrators, and guardians; transact all business appertaining to the estates of deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the sale, settlement, partition, and distribution of the estates thereof. The county court shall be held at the county seat, but the legislature may provide for holding sessions of the county court at not more than two additional places in the county: Provided, That alternate sessions of county court in Le Flore County shall be held at Talihina.

SEC. 14. Until otherwise provided by law, the county court shall have jurisdiction of all cases on appeals from judgments of the justices of the peace in civil and criminal cases; and in all cases, civil and criminal, appealed from justices of the peace to such county court, there shall be a trial de novo on questions of both law and fact.

SEC. 15. Appeals and proceedings in error shall be taken from the judgments of county courts direct to the supreme court, in all cases appealed from justices of the peace, and in all criminal cases of which the county court is vested with jurisdiction, and in all civil cases originally brought in the county court, in the same manner and by like proceedings as appeals are taken to the supreme court from the judgments of the district court.

SEC. 16. Until otherwise provided by law, in all cases arising under the probate jurisdiction of the county court, appeals may be taken from the judgments of the county court to the district court of the county in the same manner as is now provided by the laws of the Territory of Oklahoma for appeals from probate court to the district court, and in all cases appealed from the county court to the district court, the cause shall be tried de novo in the district court upon questions of both law and fact.

SEC. 17. County courts shall also have and exercise the jurisdiction of examining and committing magistrates in all criminal cases.

SEC. 18. The office of justice of the peace is hereby created, and, until

otherwise provided by law, courts of justices of the peace shall have, coextensiv with the county, jurisdiction as examining and committing magistrates in a felony cases, and shall have jurisdiction, concurrent with the county court, i civil cases where the amount involved does not exceed $200, exclusive interest and costs, and concurrent jurisdiction with the county court in a misdemeanor cases in which the punishment does not exceed a fine of $200 imprisonment in the county jail for not exceeding thirty days, or both suc fine and imprisonment; but justices of the peace shall in no event have juri diction in actions for libel and slander. Until otherwise provided by law appeals shall be allowed from judgments of the court of justices of the peace all civil and criminal cases to the county court in the manner now provide by the laws of the Territory of Oklahoma governing appeals from the cour of justices of the peace to the district court. In cities of more than 2,5 inhabitants, two justices of the peace shall be elected.

SEC. 19. All judges of courts of this State, and justices of the peace, sha by virtue of their office, be conservators of the peace throughout the State.

The style of all writs and processes shall be "The State of Oklahoma All prosecutions shall be carried on in the name and by the authority of t State of Oklahoma. All indictments, informations, and complaints shall co clude, "Against the peace and dignity of the State."

SEC. 20. In all issues of fact joined in any court, all parties may waiv the right to have the same determined by jury; in which case the finding the judge, upon the facts, shall have the force and effect of a verdict by jur

SEC. 21. In all jury trials the jury shall return a general verdict, and law in force, nor any law hereafter enacted, shall require the court to dire the jury to make findings on particular questions of fact; but the court ma in its discretion, direct such special findings.

JUDICIAL APPORTIONMENT.

SEC. 22. The State is hereby divided into 5 supreme court judicial d tricts, numbered respectively, 1 to 5, inclusive, and is subdivided into 21 distri court judicial districts, numbered respectively, 1 to 21, inclusive; and all su judicial districts shall be and remain until changed as provided in this co stitution.

SEC. 23. Of the supreme court judicial districts, number 1 shall embra the first, second, third, and fourth district court judicial districts; number shall embrace the fifth, sixth, seventh, and eighth district court judicial district number 3 shall embrace the ninth, tenth, eleventh, twelfth, and twenty-fi district court judicial districts; number 4 shall embrace the thirteenth, fo teenth, fifteenth, and sixteenth district court judicial districts, and number shall embrace the seventeenth, eighteenth, nineteenth, and twentieth distr court judicial districts.

SEC. 24. Of the district court judicial districts, number 1 shall compri the counties of Adair, Cherokee, Delaware, and Sequoyah; number 2, the count of Craig, Mayes, Nowata, Ottawa, Rogers, and Washington; number 3, t counties of Muskogee and Wagoner; number 4, the counties of McIntosh a Pittsburg; number 5, the counties of Haskell, Latimer, Le Flore, and Pushm taha; number 6, the counties of Bryan, Choctaw, Marshall, and McCurtai number 7, the counties of Atoka, Coal, Johnston, Pontotoc, and Semino number 8, the counties of Carter and Love; number 9, the counties of Hugh Creek, Okfuskee, and Okmulgee; number 10, the counties of Lincoln and Pot watomie; number 11, the counties of Kingfisher and Logan; number 12, t counties of Grant, Kay, and Noble; number 13, the counties of Canadian a Oklahoma, with two judges; number 14, the counties of Cleveland, Garv McClain, and Murray; number 15, the counties of Caddo, Grady, Jeffers and Stephens; number 16, the counties of Comanche, Jackson, and Tillma number 17, the counties of Blaine, Custer, Kiowa, and Washita; number 18, t counties of Beckham, Dewey, Ellis, Greer, and Roger Mills; number 19, t counties of Beaver, Cimarron, Harper, Texas, Woods, and Woodward; numb 20, the counties of Alfalfa, Garfield, and Major; number 21, the counties Osage, Payne, Pawnee, and Tulsa.

SEC. 25. The terms of the district court shall be held at the county seat of the respective counties.

ARTICLE VIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The governor and other elective State officers, including the justices of the supreme court, shall be liable and subject to impeachment for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

SEC. 2. All executive officers, not liable to impeachment, shall be subject to removal from office in such manner and for such causes as may be provided by law.

SEC. 3. When sitting as a court of impeachment, the senate shall be presided over by the chief justice, or if he is absent or disqualified, then one of the associate justices of the supreme court, to be selected by it, except in cases where all the members of said court are absent or disqualified, or in cases of impeachment of any justice of the supreme court, then the senate shall elect one of its own members as a presiding officer for such purpose. The house of representatives shall present all impeachments.

SEC. 4. When the Senate is sitting as a court of impeachment, the senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 5. Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent punishment of any such officer on charges growing out of the same matter by the courts of the State.

SEC. 6. The legislature shall pass such laws as are necessary for carrying into effect the provisions of this article.

ARTICLE IX.

CORPORATIONS.

DEFINITION.

SECTION 1. As used in this article, the term "corporation" or "company" shall include all associations and joint stock companies having any power or privileges, not possessed by individuals, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall mean the charter of incorporation, by or under which any corporation is formed. The term "license" shall mean the authority under which all foreign corporations are permitted to transact business in this State.

RAILROAD AND PUBLIC SERVICE CORPORATIONS.

SEC. 2. Every railroad, oil pipe, car, express, telephone or telegraph corporation or association organized or authorized to do a transportation or transmission business under the laws of this State for such purpose, shall, each respectively, have the right to construct and operate its line between any points in this State, and as such to connect at the State line with like lines; and every such company shall have the right with its road or line, to intersect, connect with, or cross any railroad or such line.

SEC. 3. Every railroad, car, or express company, shall each respectively receive and transport without delay or discrimination each other's cars, loaded or empty, tonnage, and passengers, under such rules and regulations as may be prescribed by law or any commission created by this constitution or by act of the legislature, for that purpose.

SEC. 4. All oil pipe companies shall be subject to the reasonable control and regulation of the corporation commission, and shall receive and transport each other's tonnage or oils, or commodities, under such rules and regulations as shall be prescribed by law, or such commission.

SEC. 5. All telephone and telegraph lines, operated for hire, shall each respectively, receive and transmit each other's messages without delay or dis-

crimination, and make physical connections with each other's lines, under s rules and regulations as shall be prescribed by law, or by any commiss created by this constitution, or any act of the legislature for that purpose.

SEC. 6. Railroads heretofore constructed, or which may hereafter be c structed in this State, are hereby declared public highways. Every railroad other public service corporation organized or doing business in this St under the laws or authority thereof, shall have and maintain a public of or place in this State, for the transaction of its business, where transfers stock shall be made, and where shall be kept, for inspection by the stockhold of such corporation, books, in which shall be recorded the amount of cap stock subscribed, the names of the owners of stock, the amounts owned by th respectively; the amount of stock paid, and by whom; the transfer of s stock, with the date of transfer; the amount of its assets and liabilities, the names and places of residence of its officers, and such other matters requi by law or by order of the corporation commission. The directors of ev railroad company, or other public service corporation, shall hold at least meeting annually in this State, public notice of which shall be given thirty d previously, and the president or superintendent of every railroad company other public-service corporation organized or doing business in this State un the laws of this State or the authority thereof, shall report annually under o and make such other reports as may be required by law or order of the poration commission, to said commission their acts and doings, which report s include such matters relating to railroads and other public service corporat as may be prescribed by law. The legislature shall pass all necessary l enforcing, by suitable penalties, all the provisions in this section.

SEC. 7. The rolling stock and all other movable property belonging to railroad, transportation, transmission, or other public corporation in this St shall be considered personal property, and its real and personal property any part thereof, shall be liable to execution and sale in the same manner the property of individuals; and the legislature shall pass no laws exemp any such property from execution and sale.

SEC. 8. No public-service corporation, or the lessees, purchasers, or m agers thereof, shall consolidate the stock, property, or franchise, of such poration with, or lease or purchase the works or franchises of, or in any control, any other public-service corporations owning or having under its con a parallel or competing line; except by enactment of the legislature upon recommendation of the incorporated commission: Provided, however, T the legislature shall never enact any law permitting any public-service corp tion, the lessees, purchasers, or managers thereof, when such public-ser corporation is organized under the laws of any other State, or of the Un States, to consolidate the stock, property, or franchises, of such corpora with, or lease, or purchase, the works of, franchises of, or in any way con any other public-service corporation, organized under the laws of any o State, or of the United States, owning or having under its control in State a parallel or competing line; nor shall any officer of such corporation as an officer of any other corporation owning or controlling a parallel or peting line.

SEC. 9. Upon the consent of the corporation commission in writing had and obtained, any foreign or domestic railroad transportation or trans sion company or corporation may lease, sell or otherwise dispose of its prop and franchises to, or may lease, buy, or otherwise acquire and operate property and franchise of any like company or corporation; provided, the legislature may impose additional limitations or restrictions upon the r of any railroad company or transmission company to consolidate.[5]

SEC. 10. No law shall be passed by the legislature granting the rig construct and operate a street railroad within any city, town, or village, or any public highway, without first acquiring the consent of the local autho having control of the street or highway proposed to be occupied by such s railroad.

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[5] Amendment proposed by the legislature of 1913 and ratified on Aug. 5, 191

SEC. 11. No railroad, transportation, transmission, or other public-service corporation in existence at the time of the adoption of this constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this constitution, applicable to railroads, transportation companies, transmission companies, and other public service corporations: Provided, That nothing herein shall be construed as validating any charter which may be invalid, or having any of the conditions contained in any charter.

SEC. 12. No railroad company shall transport, within this State, any article or commodity manufactured, mined, or produced by it, or under its authority, or which it may own, in whole or in part, or in which it may have any interest direct or indirect, except such articles or commodities as may be necessary and intended for the use in the conduct of its business as a common carrier.

SEC. 13. No railroad or transportation company or transmission company shall, directly or indirectly, issue or give any free frank or free ticket, free pass or other free transportation, for any use, within this State, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries for railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents, employed in such transportations; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge, and boards of managers of such homes; to members of volunteer fire departments and their equipage while traveling as such; to necessary caretakers of live stock, poultry, and fruit; to employees of sleeping cars, of express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad company or transportation company is interested, persons injured in wrecks, and physicians and nurses attending such persons: Provided, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carriers from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; nor to prevent them from transporting, free of charge, to their places of employment persons entering their service, and the interchange of passes to that end; and any railroad, transportation, or transmission company or any person, other than the persons excepted in this provision, who grants or uses any such free frank, free ticket, free pass, or free transportation within this State, shall be deemed guilty of a crime, and the legislature shall provide proper penalties for the violation of any provision of this section by the railroad or transportation or transmission company, or by any individual: Provided, That nothing herein shall prevent the legislature from extending these provisions so as to exclude such free transportations or ranks from other persons.

SEC. 14. No railroad hereafter constructed in this State shall pass within a distance of 4 miles of any county seat without passing through the same and establishing and maintaining a depot therein, unless prevented by natural obstacles such as streams, hills, or mountains: Provided, Such town, or its citizens, shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

CORPORATION COMMISSION.

SEC. 15. A corporation commission is hereby created, to be composed of three persons, who shall be elected by the people at a general election for state officers, and their terms of office shall be six years: Provided, Corporation commissioners first elected under this constitution shall hold office as follows: one shall serve until the second Monday in January, 1909; 1 until the second

Monday in January, 1911; and 1 until the second Monday in January, 1913; their terms to be decided by lot immediately after they shall have qualified. In case of a vacancy in said office, the governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term.

SEC. 16. The qualifications of such commissioners shall be as follows: To be resident citizens of this State for over two years next preceding the election and qualified voters under the constitution and laws, and not less than 30 years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping-car line, car association, express line, telephone or telegraph line, operated for hire, in this State, or out of it, or any stock, bond, mortgage, security, or earnings of any such railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping-car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such commissioner shall voluntarily become so interested, his office shall become vacant; and if any corporation commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such commissioner hold any other office under the Government of the United States, or of this State or any other State government, and shall not, while such commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

SEC. 17. Before entering upon the duties of his office each of said commissioners shall take and subscribe to the oath of office as prescribed in this constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping-car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract, or earnings of any railroad, street railway, traction line, canal, steamboat, pipe line, car line, sleeping-car line, car association, express line, telephone or telegraph line; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this constitution, and all the laws of this State concerning railroads, street railways, traction lines, canals, steamboats, pipe lines, car lines, sleeping-car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other corporations over which said commission has jurisdiction, which oath shall be filed with the secretary of state.

SEC. 18. The commission shall have the power and authority and be charged with the duty of supervising, regulating, and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the commission shall, from time to time, prescribe and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities, and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations, and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right, at all times, to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements, under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discrimination and extortion by any transportation or

transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation, or transmission, or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation, or requirement, shall first be given, by the commission, at least ten days' notice of the time and place when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before said commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published in substance, not less than once a week, for four consecutive weeks, in one or more of the newspapers of general circulation published in the county in which the capitol of this State may be located, together with the notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation, or requirement, and every such general order, rule, regulation, or requirement, made by the commission, shall be published at length, for the time in the manner above specified, before it shall go into effect, and shall also, so long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges, and classifications of traffic, for transportation and transmission companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the legislature to legislate thereon by general laws: Provided, however, That nothing in this section shall impair the rights which have heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town, or county to prescribe rules, regulations, or rates of charges to be observed by any public-service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town, or county, so far as such services may be wholly within the limits of the city, town, or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies between transportation or transmission companies and their patrons or employees.

SEC. 18a. The corporation commission shall organize by electing one of its members chairman and appointing a secretary, whose salary shall be fixed by the legislature. A majority of said commission shall constitute a quorum, and the concurrence of the majority of said commission shall be necessary to decide any question.

SEC. 18b. As used in this article, the term "company" shall include associations and joint stock companies having any power or privileges not possessed by individuals, and include all corporations except municipal corporations and public institutions owned or controlled by the State.

SEC. 19. In all matters pertaining to the public visitation, regulation, or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record to administer oaths, to compel the attendance of witnesses, and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and by enforcing its own appropriate process, against the delinquent or offending party or company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well as against the validity, justness, or reasonableness of the order or

requirement alleged to have been violated, as against the liability of the company for the alleged violation) such fines or other penalties as may be prescribed or authorized by this constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this constitution) as may be prescribed by law, in connection with the visitation, regulation, or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding $500, as the commission may deem proper, or such sum, in excess of $500, as may be prescribed or authorized by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offense: Provided, That should the operation of such order or requirement be suspended, pending any appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

SEC. 20. From any action of the commission prescribing rates, charges, or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences, or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as hereinafter provided for, an appeal (subject to such reasonable limitations as to time regulations as to procedure and provisions as to cost, as may be prescribed by law) may be taken by the corporation whose rates, charges, or classifications of traffic, schedule, facilities, conveniences, or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the State. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the supreme court from the district courts, except that such an appeal shall be of right, and the supreme court may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the corporation whose rates, charges, or classifications of traffic, schedules, facilities, conveniences, or service are affected, the State shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The legislature may also, by general laws, provide for appeals from any other action of the commission, by the State, or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the supreme court only, and in all appeals to which the State is a party, it shall be represented by the attorney-general or his appointed representative. No court of this State (except the supreme court, by way of appeals as herein authorized) shall have jurisdiction to review, reverse, correct, or annul any action of the commission within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties: Provided, however, That the writs of mandamus and prohibition shall lie from the supreme court to the commission in all cases where such writ respectively, would lie to any inferior court or officer.

SEC. 21. Upon the granting of an appeal, a writ of supersedeas may be awarded by the supreme court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the supreme court, no action of the commission prescribing or affecting the rates, charges, or classifications of traffic of any transportation or transmission company shall be delayed, or suspended, in its operation, by reason of any appeal by such corporation, or by reason of any proceeding resulting from such appeal, until a suspending bond shall first have been executed and filed with, and approved by the commission (or approved, on review, by the supreme court), payable to the State, and sufficient in amount and security to

insure the prompt refunding, by the appealing corporation to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make the commission, from time to time, such reports, verified by oaths, as may, in the judge of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company, pending the appeal, be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner and through such methods of distribution as may be prescribed by the commission, or by law. All such appeals, affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the supreme court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus, and State cases already on the docket of the court.

SEC. 22. In no case of appeal from the commission shall any new or additional evidence be introduced in the supreme court; but the chairman of the commission, under the seal of the commission, shall certify to the supreme court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified, and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the supreme court, upon disposing of the appeal. The supreme court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal: *Provided*, however, That the action of the commission appealed from shall be regarded as prima facie just, reasonable, and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

SEC. 23. Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges, or the classifications of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such orders as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission to prescribe and enforce rates, charges, classifications, rules and regulations affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the

pendency of such appeal; but no order of the commission, prescribing or alter ing such rates, charges, classifications, rules, or regulations, shall be retroactive

SEC. 24. The right of any person to institute and prosecute in the ordinar courts of justice, any action, suit, or motion against any transportation or trans mission company for any claim or cause of action against such company, shal not be extinguished or impaired, by reason of any fine or other penalty whic the commission may impose, or be authorized to impose, upon such compan because of its breach of any public duty, or because of its failure to comply wit any order or requirement of the commission; but, in no such proceeding by an person against such corporation, nor in any collateral proceeding shall the reason ableness, justness, or validity of any rate, charge, classification of traffic, rule regulation, or requirement, theretofore prescribed by the commission, within th scope of its authority, and then in force, be questioned. Provided, however, Tha no case based upon or involving any order of the commission shall be heard o disposed of, against the objection of either party, so long as such order is sus pended in its operation by an order of the supreme court as authorized by thi constitution or by any law passed in pursuance thereof.

SEC. 25. The commission shall make annual reports to the governor of it proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or the creation supervision, regulation, or control of corporations, or to the subject of taxation as it may deem wise or expedient, or as may be required by law.

SEC. 26. It shall be the duty of each and every railway company, subject t the provisions herein, to provide and maintain adequate, comfortable, and clea depots, and depot buildings, at its several stations, for the accommodation o passengers, and said depot buildings shall be kept well lighted and warmed fo the comfort and accommodation of the traveling public; and all such roads sha keep and maintain adequate and suitable freight depots and buildings for th receiving, handling, storing, and delivering of all freight handled by such road

SEC. 27. In case any railroad company shall hereafter seek to cross at grad with its track or tracks, the track or tracks of another railroad, the railroa seeking to cross at grade, within a reasonable time, shall be compelled to inte lock or protect such crossings by safety devices, to be designated by the commi sion, and all costs of appliance, together with the expenses of putting them i shall be borne equally by each company: Provided, That this act shall not appl to crossings of sidetracks.

SEC. 28. The commissioners, or either of them, or such persons as the may employ therefor, shall have the right, at such times as they may deem nece sary, to inspect the books and papers of any railroad company or other publi service corporation, and to examine, under oath, any officer, agent, or employe of such corporation in relation to the business and affairs of the same. If a railroad company or other public-service corporation shall refuse to permit th commissioners, or either of them, or any person authorized thereto, to examin its books and papers, such railroad company or other public-service corporatio shall, until otherwise provided by law, for each offense, pay to the State Oklahoma not less than $125, nor more than $500, for each day it shall so fa or refuse, and the officer or other person so refusing shall be punished as th law shall prescribe.

SEC. 29. The commission shall ascertain, and enter of record, the same be a public record, as early as practicable, the amount of money expended construction and equipment per mile of every railroad and other public-servi corporation in Oklahoma, the amount of money expended to procure the right way, and the amount of money it would require to reconstruct the roadbed, trac depots, and transportation facilities, and to replace all the physical properti belonging to the railroad or other public-service corporation. It shall also asce tain the outstanding bonds, debentures, and indebtedness, and the amount, respe tively, thereof, when issued, and rate of interest, when due, for what purpos issued, how used, to whom issued, to whom sold, and the price in cash, propert or labor, if any, received therefor, what became of the proceeds, by whom th indebtedness is held, the amount purporting to be due thereon, the floatin indebtedness of the company, to whom due, and his address, the credits due it, the property on hand belonging to the railroad company or other public-servi

corporation, and the judicial or other sales of said road, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor. The commission shall also ascertain the amounts paid for salaries to the officers of the railroad, or other public-service corporation, and the wages paid its employees. For the purpose in this section named, the commission may employ experts to assist them when needed, and from time to time, as the information required by this section is obtained, it shall communicate the same to the attorney-general by report, and file a duplicate thereof with the state examiner and inspector for public use, and said information shall be printed, from time to time, in the annual report of the commission.

SEC. 30. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to this State, or to the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

SEC. 31. No railroad, oil pipe line, telephone, telegraph, express or car corporation organized under the laws of any other State, or of the United States, and doing business, or proposing to do business in this State, shall be entitled to the benefit of the right of eminent domain in this State until it shall have become a body corporate pursuant to or in accordance with the laws of this State.

SEC. 32. The said commission shall have power, and it is hereby made its duty, to investigate all through freight or passenger rates on railroads in this State, and when the same are, in the opinion of the commission, excessive or levied or laid in violation of the interstate commerce law, or the rules and regulations of the Interstate Commerce Commission, the proper officials of the railroads are to be notified of the facts and requested to reduce them or make the proper corrections, as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the commission, it shall be the duty of the latter to notify the Interstate Commerce Commission and to make proper application to it for relief, and the attorney-general or such other persons as may be designated by law shall represent the commission in all such matters.

SEC. 33. Any person, firm, or corporation, owning or operating any coal, lead, iron, or zinc mine, or any sawmill, grain elevator, or other industry, whenever the commission shall reasonably determine that the amount of business is sufficient to justify the same, near or within a reasonable distance of any track, may, at the expense of such person, firms, or corporation build and keep in repair a switch leading from such railroad to such mine, sawmill, elevator or other industry; such railroad company shall be required to furnish the switch stand and frog and other necessary material for making connection with such sidetrack or spur under such reasonable terms, conditions, and regulations as the said commission may prescribe, and shall make connection therewith. The party owning such line, sawmill, elevator, or other industry shall pay the actual cost thereof. If any railroad company, after proper demand therefor is made, shall refuse to furnish said material for making said connection and put the same in place, or after the building of such switch, shall fail or refuse to operate the same, such railroad company failing and refusing for a reasonable time, shall forfeit and pay to the party or corporation aggrieved, the sum of $500 for each and every offense, to be recovered by civil action in any court of competent jurisdiction;

and every day of such refusal on the part of the railroad company to operate such switch as aforesaid, after such demand is made, shall be deemed a separate offense.

SEC. 34. As used in this article, the term "transportation company" shall include any company, corporation, trustee, receiver, or any other person owning, leasing, or operating for hire a railroad, street railway, canal, steamboat line, and also any freight car company, car association, express company, sleeping-car company, car corporation, or company, trustee or person in any way engaged in such business as a common carrier over a route acquired in whole or in part under the right of eminent domain, or under any grant from the Government of the United States; the term "rate" shall be construed to mean rate of charge for any service rendered, or to be rendered; the terms "rate," "charge," and "regulation," shall include joint rates, joint charges, and joint regulations, respectively; the term "transmission company" shall include any company, receiver or other person, owning, leasing, or operating for hire any telegraph or telephone line; the term "freight" shall be construed to mean any property transported or received for transportation by any transportation company. The term "public-service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any right of way, street, alley, or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person" as used in this article, shall include individuals, partnerships and corporations in the singular as well as plural number; the term "bond" shall mean all certificates or written evidences of indebtedness issued by any corporation and secured by mortgage or trust deed. The term "frank" shall mean any writing or token issued by or under authority of a transmission company, entitling the holder to any service from such company free of charge.

The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

SEC. 35. After the second Monday in January, 1909, the legislature may, by law, from time to time, alter, amend, revise, or repeal sections from 18 to 34 inclusive, of this article, or any of them, or any amendments thereof: Provided That no amendment made under authority of this section shall controvene the provisions of any part of this constitution other than the said sections last above referred to or any such amendments thereof.

FELLOW SERVANTS.

SEC. 36. The common law doctrine of the fellow-servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or interurban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a non-assignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort, or relatives, or any trustee, curator, committee, or guardian of such consort, or relatives, shall have the same rights and remedies with respect thereto, as if death had been caused by the negligence of the master. And every railroad company and every street railway company or interurban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section for the acts of his or its receivers.

Nothing contained in this section shall restrict the power of the legislature to extend to the employees of any person, firm, or corporation the rights and remedies herein provided for.

PASSENGER FARE.

SEC. 37. No person, company, or corporation, receiver, or other agency, operating a railroad, other than street railroad or electric railroad, in whole or in part, within this State, shall demand or receive for first-class transportation for each passenger, between points within this State on the portion of its road operated within this State, more than 2 cents per mile, until otherwise provided by law: Provided, however, The corporation commission shall have the power to exempt any railroad from the operation of this section upon satisfactory proof that it can not earn a just compensation for the services rendered by it to the public, if not permitted to charge more than 2 cents per mile for the transportation of passengers within the State.

PRIVATE CORPORATIONS.

SEC. 38. No private corporation shall be created nor foreign corporation licensed to conduct business in the State, except by general law.

SEC. 39. No corporation shall issue stock except for money, labor done, or property actually received to the amount of the par value thereof, and all fictitious increase of stock or indebtedness shall be void, and the legislature shall prescribe the necessary regulations to prevent the issue of fictitious stock or indebtedness. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting to be held after thirty days' notice given in pursuance of law.

SEC. 40. No corporation organized or doing business in this State shall be permitted to influence elections or official duty by contribution of money or anything of value.

SEC. 41. No corporation chartered or licensed to do business in this State shall own, hold, or control, in any manner whatever, the stock of any competitive corporation or corporations engaged in the same kind of business, in or out of the State, except such stock as may be pledged in good faith to secure bona fide indebtedness acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt. In all cases where any corporation acquires stock in any other corporation, as herein provided, it shall be required to dispose of the same within twelve months from the date of acquisition; and during the period of its ownership of such stock it shall have no right to participate in the control of such corporation, except when permitted by order of the corporation commission. No trust company, or bank, or banking company shall own, hold, or control, in any manner whatever, the stock of any other trust company, or bank or banking company, except such stock as may be pledged in good faith to secure bona fide indebtedness, acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt; and such stock shall be disposed of in the time and manner hereinbefore provided.

SEC. 42. Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

SEC. 43. No corporation, foreign or domestic, shall be permitted to do business in this State without first filing in the office of the corporation commission a list of its stockholders, officers, and directors, with the residence and post office address of, and the amount of stock held by each. And every foreign corporation shall, before being licensed to do business in the State, designate an agent residing in the State; and service of summons or legal notice may be had on such designated agent and such other agents as now are or may hereafter be provided for by law. Suit may be maintained against a foreign corporation in the county where an agent of such corporations may be found, or in the county of the residence of plaintiff, or in the county where the cause of action may arise.

SEC. 44. No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the constitution or laws of the State. Nothing in this article, however,

shall restrict or limit the lower of the legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

SEC. 45. Until otherwise provided by law, no person, firm, association, or corporation engaged in the production, manufacture, distribution, or sale of any commodity of general use, shall, for the purpose of creating a monopoly or destroying competition in trade, discriminate between different persons, associations, or corporations, or different sections, communities, or cities of the State, by selling such commodity at a lower rate in one section, community, or city than in another, after making due allowance for the difference, if any, in the grade, quantity, or quality, and in the actual cost of transportation from the point of production or manufacture.

SEC. 46. All existing charters or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business commenced in good faith at the time this constitution becomes effective, shall thereafter have no validity.

SEC. 47. The legislature shall have power to alter, amend, annul, revoke, or repeal any charter of incorporation or franchise now existing and subject to be altered, amended, annulled, revoked, or repealed at the time of the adoption of this constitution, or any that may be hereafter created, whenever in its opinion it may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the incorporators.

SEC. 48. The legislature shall provide such penalties and regulations as may be necessary for the proper enforcement of the provisions of this article.

ARTICLE X.

REVENUE AND TAXATION.

SECTION 1. The fiscal year shall commence on the 1st day of July in each year, unless otherwise provided by law.

SEC. 2. The legislature shall provide by law for an annual tax sufficient, with other resources, to defray the estimated ordinary expenses of the State for each fiscal year.

SEC. 3. Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year, which, with other resources, shall be sufficient to pay the deficiency, as well as the estimated ordinary expenses of the State for the ensuing year.

SEC. 4. For the purpose of paying the State debt, if any, the legislature shall provide for levying a tax, annually, sufficient to pay the annual interest and principal of such debt within 25 years from the final passage of the law creating the debt.

SEC. 5. The power of taxation shall never be surrendered, suspended, or contracted away. Taxes shall be uniform upon the same class of subjects.

SEC. 6. All property used for free public libraries, free museums, public cemeteries, property used exclusively for schools, colleges, and all property used exclusively for religious and charitable purposes, and all property of the United States, and of this State, and of counties and of municipalities of this State; household goods of the heads of families, tools, implements, and live stock employed in the support of the family, not exceeding $100 in value, and all growing crops, shall be exempt from taxation: Provided, That all property not herein specified now exempt from taxation under the laws of the Territory of Oklahoma, shall be exempt from taxation until otherwise provided by law: And provided further, That there shall be exempt from taxation to all ex-Union and ex-Confederate soldiers, bona fide residents of this State, and to all widows of ex-Union and ex-Confederate soldiers, who are heads of families and bona fide residents of this State, personal property not exceeding $200 in value.

All property owned by the Murrow Indian Orphan Home, located in Coal County, and all property owned by the Whittaker Orphan Home, located in Mayes County, so long as the same shall be used exclusively as free homes or schools for orphan children, and for poor and indigent persons, and all fraternal orphan homes, and other orphan homes, together with all their charitable funds, shall be exempt from taxation, and such property as may be exempt by reason

of treaty stipulations, existing between the Indians and the United States Government, or by Federal laws, during the force and effect of such treaties or Federal laws. The legislature may authorize any incorporated city or town, by a majority vote of its electors voting thereon, to exempt manufacturing establishments and public utilities from municipal taxation, for a period not exceeding five years, as an inducement to their location.

SEC. 7. The legislature may authorize county and municipal corporations to levy and collect assessments for local improvements upon property benefited thereby, homesteads included, without regard to a cash valuation.

SEC. 8. All property which may be taxed ad valorem shall be assessed for taxation at its fair cash value, estimated at the price it would bring at a fair voluntary sale; and any officer or other person authorized to assess values, or subjects, for taxation, who shall commit any wilful error in the performance of his duty, shall be deemed guilty of malfeasance, and upon conviction thereof shall forfeit his office, and be otherwise punished as may be provided by law.

SEC. 9. Except as herein otherwise provided, the total taxes, on an ad valorem basis, for all purposes, State, county, township, city, or town, and school district taxes, shall not exceed in any one year 31½ mills on the dollar, to be divided as follows:

State levy, not more than 3½ mills; county levy, not more than 8 mills: Provided, That any county may levy not exceeding 2 mills additional for county high school and aid to the common schools of the county, not over 1 mill of which shall be for such high school, and the aid to said common schools shall be apportioned as provided by law; township levy, not more than 5 mills; city or town levy, not more than 10 mills; school district levy, not more than 5 mills on the dollar for school district purposes, for support of common school: Provided, That the aforesaid annual rate for school purposes may be increased by any school district by an amount not to exceed 10 mills on the dollar valuation, on condition that a majority of the voters thereof voting at an election vote for said increase.

SEC. 10. For the purpose of erecting public buildings in counties, cities, or school districts, the rates of taxation herein limited may be increased, when the rate of such increase and the purpose for which it is intended shall have been submitted to a vote of the people, and a majority of the qualified voters of such county, city, or school district, voting at such election, shall vote therefor; Provided, That such increase shall not exceed 5 mills on the dollar of the assessed value of the taxable property in such county, city, or school district.

SEC. 11. The receiving, directly or indirectly, by any officer of the State, or of any county, city, or town, or member or officer of the legislature, of any interest, profit, or perquisites, arising from the use or loan of public funds in his hands or moneys to be raised through his agency for State, city, town, district, or county purposes shall be deemed a felony. Said offense shall be punished as may be prescribed by law, a part of which punishment shall be disqualification to hold office.

SEC. 12. The legislature shall have power to provide for the levy and collection of license, franchise, gross revenue, excise, income, collateral and direct inheritance, legacy, and succession taxes; also graduated income taxes, graduated collateral and direct inheritance taxes, graduated legacy and succession taxes; also stamp, registration, production, or other specific taxes.

SEC. 12a. All taxes collected for the maintenance of the common schools of this State, and which are levied upon the property of any railroad company, pipe line company, telegraph company, or upon the property of any public service corporation which operates in more than one county in this State, shall be paid into the Common School Fund and distributed as are other common school funds of this state.[6]

SEC. 13. The State may select its subjects of taxation, and levy and collect its revenues independent of the counties, cities, or other municipal subdivisions.

SEC. 14. Taxes shall be levied and collected by general laws, and for public purposes only, except that taxes may be levied when necessary to carry into

[6] Section 12a is a new section; it was proposed by the legislature of 1913 and ratified on Aug. 5, 1913.

effect section 31 of the bill of rights. Except as required by the enabling act, the State shall not assume the debt of any county, municipal corporation, or political subdivision of the State, unless such debt shall have contracted to defend itself in time of war, to repel invasion, or to suppress insurrection.

SEC. 15. The credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State; nor shall the State become an owner or stockholder in, nor make donation by gift, subscription to stock, by tax or otherwise, to any company, association, or corporation.

SEC. 16. All laws authorizing the borrowing of money by and on behalf of the State, county, or other political subdivision of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for no other purpose.

SEC. 17. The legislature shall not authorize any county or subdivision thereof, city, town, or incorporated district, to become a stockholder in any company, association, or corporation, or to obtain or appropriate money for, or levy any tax for, or to loan its credit to any corporation, association, or individual.

SEC. 18. The legislature may authorize the levy and collection of a poll tax on all electors of this State, under 60 years of age, not exceeding $2 per capita, per annum, and may provide a penalty for the nonpayment thereof.

SEC. 19. Every act enacted by the legislature, and every ordinance and resolution passed by any county, city, town, or municipal board or local legislative body, levying a tax, shall specify distinctly the purpose for which said tax is levied, and no tax levied and collected for one purpose shall ever be devoted to another purpose.

SEC. 20. The legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may, by general laws, confer on the proper authorities thereof, respectively, the power to assess and collect such taxes.

SEC. 21. There shall be a state board of equalization consisting of the governor, state auditor, state treasurer, secretary of state, attorney-general, state inspector and examiner, and president of the board of agriculture. The duty of said board shall be to adjust and equalize the valuation of real and personal property of the several counties in the State, and it shall perform such other duties as may be prescribed by law, and they shall assess all railroad and public service corporation property.

SEC. 22. Nothing in this constitution shall be held or construed to prevent the classification of property for purposes of taxation; and the valuation of different classes by different means or methods.

PUBLIC INDEBTEDNESS.

SEC. 23. The State may, to meet casual deficits or failure in revenues or for expenses not provided for, contract debts; but such debts, direct and contingent, singly or in the aggregate, shall not, at any time, exceed $400,000, and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.

SEC. 24. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection or to defend the State in war; but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SEC. 25. Except the debt specified in sections 23 and 24 of this article, no debts shall hereafter be contracted by or on behalf of this State, unless such debt shall be authorized by law for some work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax to pay, and sufficient to pay, the interest on such debt as it falls due and also to pay and discharge the principal of such debt within twenty-five years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. On the final

passage of such bill in either house of the legislature, the question shall be taken by yeas and nays to be duly entered on the journals thereof, and shall be: "Shall this bill pass, and ought the same to receive the sanction of the people?"

SEC. 26. No county, city, town, township, school district, or other political corporation, or subdivision of the State, shall be allowed to become indebted, in any manner, for any purpose, to an amount exceeding, in any year, the income and revenue provided for such year, without the assent of three-fifths of the voters thereof, voting at an election, to be held for that purpose, nor in cases requiring such assent, shall any indebtedness be allowed to be incurred to an amount including existing indebtedness, in the aggregate exceeding 5 per centum of the valuation of the taxable property therein, to be ascertained from the last assessment for State and county purposes previous to the incurring of such indebtedness: Provided, That any county, city, town, township, school district, or other political corporation, or subdivision of the State, incurring any indebtedness, requiring the assent of the voters as aforesaid, shall, before or at the time of doing so, provide for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

SEC. 27. Any incorporated city or town in this State may, by a majority of the qualified property taxpaying voters of such city or town, voting at an election to be held for that purpose, be allowed to become indebted in a larger amount than that specified in section 26, for the purpose of purchasing or constructing public utilities, or for repairing the same, to be owned exclusively by such city: Provided, That any such city or town incurring any such indebtedness requiring the assent of the voters as aforesaid, shall have the power to provide for, and, before or at the time of incurring such indebtedness, shall provide for the collection of an annual tax in addition to the other taxes provided for by this constitution, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty-five years from the time of contracting the same.

SEC. 28. Counties, townships, school districts, cities, and towns shall levy sufficient additional revenue to create a sinking fund to be used, first, for the payment of interest coupons as they fall due; second, for the payment of bonds as they fall due; third, for the payments of such parts of judgments as such municipality may, by law, be required to pay.

SEC. 29. No bond or evidence of indebtedness of this State shall be valid unless the same shall have endorsed thereon a certificate, signed by the auditor and attorney-general of the State, showing that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or any other political subdivision of any county, shall be valid unless the same have endorsed thereon a certificate signed by the county clerk, or other officer authorized by law to sign such certificate, and the county attorney of the county, stating that said bond, or evidence of debt, is issued pursuant to law, and that said issue is within the debt limit.

SEC. 30. The legislature shall require all money collected by taxation, or by fees, fines, and public charges of every kind, to be accounted for by a system of accounting that shall be uniform for each class of accounts, State and local, which shall be prescribed and audited by authority of the State.

ARTICLE XI.

STATE AND SCHOOL LANDS.

SECTION 1. The State hereby accepts all grants of land and donations of money made by the United States under the provisions of the enabling act, and any other acts of Congress, for the uses and purposes and upon the conditions, and under the limitations for which the same are granted or donated; and the faith of the State is hereby pledged to preserve such lands and moneys and all moneys derived from the sale of any of said lands as a sacred trust, and to keep the same for the uses and purposes for which they were granted or donated.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may be hereafter given by the United States for the use and benefit of the common schools of this State, all such per centum as may be granted by the United States on the sales of public lands, the sum of $5,000,000 appropriated to the State for the use and benefit of the common schools in lieu of sections 16 and 36, and other lands of the Indian Territory, the proceeds of all property that shall fall to the State by escheat, the proceeds of all gifts or donations to the State for common schools not otherwise appropriated by the terms of the gifts, and such other appropriations, gifts, or donations as shall be made by the legislature for the benefit of the common schools, shall constitute the permanent school fund, the income from which shall be used for the maintenance of the common schools in the State. The principal shall be deemed a trust fund held by the State, and shall forever remain inviolate. It may be increased, but shall never be diminished. The State shall reimburse said permanent school fund for all losses thereof which may in any manner occur, and no portion of said fund shall be diverted for any other use or purpose.

SEC. 3. The interest and income of the permanent school fund, the net income from the leasing of public lands which have been or may be granted by the United States to the State for the use and benefit of the common schools, together with any revenues derived from taxes authorized to be levied for such purposes, and any other sums which may be added thereto by law, shall be used and applied each year for the benefit of the common schools of the State, and shall be, for this purpose, apportioned among and between all the several common school districts of the State in proportion to the school population of the several districts, and no part of the fund shall ever be diverted from this purpose, or used for any other purpose than the support and maintenance of common schools for the equal benefit of all the people of the State.

SEC. 4. All public lands set apart to the State by Congress for charitable, penal, educational, and public building purposes, and all lands taken in lieu thereof, may be sold by the State under such rules and regulations as the legislature may prescribe, in conformity with the regulations of the enabling act.

SEC. 5. Section 13 in every portion of the State which has been granted to the State shall be preserved for the use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established, or hereafter to be established, one-third; and of the Agricultural and Mechanical College and Colored Agricultural and Normal University, one-third. The said lands or the proceeds thereof as above apportioned to be divided between the institutions as the legislature may prescribe: Provided, That the said lands so reserved, or the proceeds of the sale thereof, or of any indemnity lands granted in lieu of section 13 shall be safely kept invested and preserved by the State as a trust, which shall never be diminished but may be added to, and the income thereof, interests, rentals, or otherwise only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of the State and no part of the proceeds arising from the sale or disposal of any land granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university, and no portion of the funds arising from the sale of sections 13 or any indemnity lands selected in lieu thereof, either principal or interest, shall ever be diverted, either temporarily or permanently, from the purpose for which such lands were granted to the State.

SEC. 6. The permanent common school and other educational funds shall be invested in first mortgages upon good and improved farm lands within the State (and in no case shall more than 50 per centum of the reasonable value of the lands without improvements be loaned on any tract), Oklahoma State bonds, county bonds of the counties of Oklahoma, school district bonds of the school districts of Oklahoma, United States bonds; preference to be given to the securities in the order named.

The legislature shall provide the manner of selecting the securities aforesaid, prescribe the rules, regulations, restrictions, and conditions upon which the funds aforesaid shall be loaned or invested, and do all things necessary for the safety of the funds and permanency of the investment.

ARTICLE XII.

HOMESTEAD AND EXEMPTIONS.

SECTION 1. The homestead of any family in this State, not within any city, town, or village, shall consist of not more than 160 acres of land, which may be in one or more parcels, to be selected by the owner. The homestead within any city, town, or village, owned and occupied as a residence only, shall consist of not exceeding 1 acre of land, to be selected by the owner: Provided, That the same shall not exceed in value the sum of $5,000, and in no event shall the homestead be reduced to less than one-quarter of an acre, without regard to value: And provided further, That in case said homestead is used for both residence and business purposes, the homestead interests therein shall not exceed in value the sum of $5,000: Provided, That nothing in the laws of the United States, or any treaties with the Indian tribes in the State, shall deprive any Indian or other allottee of the benefit of the homestead and exemption laws of the State: And provided further, That any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

SEC. 2. The homestead of the family shall be, and is hereby protected from forced sale, for the payment of debts, except for the purchase money therefor or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon; nor shall the owner, if married, sell the homestead without the consent of his or her spouse, given in such manner as may be prescribed by law: Provided, Nothing in this article shall prohibit any person from mortgaging his homestead, the spouse, if any joining therein, nor prevent the sale thereof on foreclosure to satisfy any mortgage.

SEC. 3. After the adoption of this constitution, paragraph 3 of section 4, and section 5, of chapter 34, statutes of Oklahoma, of 1893, shall be inoperative: Provided, That no property shall be exempt for any part of the purchase price while the same or any part thereof remains in the possession of the original vendee, or in possession of any purchaser from such vendee, with notice: And provided further, Nothing in this constitution shall prevent or prohibit any person from mortgaging or encumbering his personal exemptions.

The legislature may change or amend the terms of this article.

ARTICLE XIII.

EDUCATION.

SECTION 1. The legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.

SEC. 2. The legislature shall provide for the establishment and support of institutions for the care and education of the deaf, dumb, and blind of the State.

SEC. 3. Separate schools for white and colored children with like accommodation shall be provided by the legislature and impartially maintained. The term "colored children," as used in this section, shall be construed to mean children of African descent. The term "white children" shall include all other children.

SEC. 4. The legislature shall provide for the compulsory attendance at some public or other school, unless other means of education are provided, of all the children in the State who are sound in mind and body, between the ages of 8 and 16 years, for at least three months in each year.

SEC. 5. The supervision of instruction in the public schools shall be vested in a board of education, whose powers and duties shall be prescribed by law. The superintendent of public instruction shall be president of the board. Until

otherwise provided by law, the governor, secretary of state, and attorney-general shall be ex officio members, and with the superintendent, compose said board of education.

SEC. 6. The legislature shall provide for a uniform system of textbooks for the common schools of the State.

SEC. 7. The legislature shall provide for the teaching of the elements of agriculture, horticulture, stock feeding, and domestic science in the common schools of the State.

ARTICLE XIV.

BANKS AND BANKING.

SECTION 1. General laws shall be enacted by the legislature providing for the creation of a banking department, to be under the control of a bank commissioner, who shall be appointed by the governor for a term of four years by and with the consent of the senate, with sufficient power and authority to regulate and control all State banks, loan, trust and guaranty companies, under laws which shall provide for the protection of depositors and individual stock holders.

SEC. 2. The legal rate of interest shall not exceed 6 per centum per annum in the absence of any contract as to the rate of interest, and, by contract parties may agree upon any rate not to exceed 10 per centum per annum, and until reduced, by the legislature, said rates of 6 and 10 per centum shall be respectively, the legal and the maximum contract rates of interest.

SEC. 3. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case a greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover from the person, firm, or corporation taking or receiving the same, in an action in the nature of an action of debt, twice the amount of the interest so paid: Provided, Such action shall be brought within two years after the maturity of such usurious contract: Provided, however, That this section may be subject to such changes as the legislature may prescribe.

ARTICLE XV.

OATH OF OFFICE.

SECTION 1. Senators and representatives and all judicial, State, and county officers shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I, ———, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States, and the constitution of the State of Oklahoma, and will discharge the duties of my office with fidelity; that I have not paid, or contributed, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the State, or procured it to be done by others in my behalf; that I will not, knowingly, receive, directly or indirectly, any money or other valuable thing, for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law; and I further swear (or affirm) that I will not receive, use, or travel upon any free pass or on free transportation during my term of office."

SEC. 2. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the supreme court, shall be filed in the office of the secretary of state, and in case of other judicial and county officers, in the office of the clerk of the county in which the same is taken; any person refusing to take said oath, or affirmation, shall forfeit his office, and any person who shall have been convicted of having sworn or affirmed falsely, or having violated said oath, or affirmation, shall be guilty of perjury, and shall be disqualified from holding any office of trust or

profit within the State. The oath to members of the senate and house of representatives shall be administered in the hall of the house to which the members shall have been elected, by one of the judges of the supreme court, or in case no such judge is present, then by any person authorized to administer oaths.

ARTICLE XVI.

PUBLIC ROADS, HIGHWAYS, AND INTERNAL IMPROVEMENTS.

SECTION 1. The legislature is directed to establish a department of highways, and shall have power to create improvement districts and provide for building and maintaining public roads, and may provide for the utilization of convict and punitive labor thereon.

SEC. 2. The State of Oklahoma hereby accepts all reservations and lands for public highways made under any grant, agreement, treaty, or act of Congress: Provided, This section shall not be construed to prejudice the vested rights of any tribe, allottee, or other person to any such land.

LEVEES, DRAINS, AND DITCHES.

SEC. 3. The legislature shall have power and shall provide for a system of levees, drains, and ditches and of irrigation in this State when deemed expedient, and provide for a system of taxation on the lands affected or benefited by such levees, drains, and ditches and irrigation, or on crops produced on such land, to discharge such bonded indebtedness or expenses necessarily incurred in the establishment of such improvements; and to provide for compulsory issuance of bonds by the owners or lessees of the land benefited or affected by such levees, drains, and ditches or irrigation.

ARTICLE XVII.

COUNTIES.

COUNTY AND TOWNSHIP GOVERNMENT.

SECTION 1. Each county in this State, now or hereafter organized, shall be a body politic and corporate.

SEC. 2. There are hereby created, subject to change by the legislature, in and for each organized county of this State, the offices of judge of the county court, county attorney, clerk of the district court, county clerk, sheriff, county treasurer, register of deeds, county surveyor, superintendent of public instruction, three county commissioners, and such municipal township officers as are now provided for under the laws of the Territory of Oklahoma, except as in this constitution otherwise provided.

SEC. 3. The several counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or misfortune, may have claims upon the sympathy and aid of the county.

CREATING OR ALTERING COUNTIES.

SEC. 4. The legislature shall provide by general laws for the creation of new counties or altering or changing lines and the equitable division of assets and of liabilities, and the original location of county seats in such new counties: Provided, That every question shall be submitted to the vote of the qualified electors residing in the territory to be formed into such new county or transferred to another county, and shall be approved by 60 per centum of the votes cast in said election: Provided, That no new county shall be formed of less than 400 square miles taxable area, nor with a population less than 15,000 people, nor with taxable wealth less than $2,500,000, as shown by the current tax rolls. Nor shall any territory be taken from an existing county for any purpose bringing the newly created line of such existing county nearer than 10 miles to the county seat thereof. Nor shall the taxable area, population, or taxable wealth of said existing county be reduced below that required for a new county. Nor shall any territory, in any case, be transferred from one country to an existing county, if by such transfer of territory, the county

from which the territory be taken will then be smaller in area than the county to which the addition is made: Provided, That when territory is to be transferred from an existing county to either a new or an existing county, there must be 60 per centum of the vote cast in such particular territory in favor of the transfer, and, in case the transfer be to an existing county, the acceptance of such territory must first be approved by a majority vote of the electors of said county, at an election to be called and held therefor, as may be provided by law. The limitation as to area, valuation, and population shall not be increased by the legislature.

SEC. 5. When, at any time hereafter, the aggregate value of all taxable property in any one county be a sum total less than $2,500,000, upon petition of one-fourth or more of the qualified electors of such county, as shown by the last general election, signed, verified, and filed with the county commissioners thereof, not less than sixty days before the date of any general election, such county commissioners shall submit, upon the ballot at such next ensuing general election, to the qualified electors of the county, the question: "Shall the county be unorganized county?" "Yes" or "No." If a majority of the votes cast on this question at such election shall be in the affirmative, such county shall thereafter be unorganized and be attached to and be a part of the adjoining county having the lowest valuation of taxable property; and shall so remain as a district in such county until such time as the qualified electors of such unorganized county shall, by similar petition and vote, declare in favor of separate organized county existence: Provided, however, That at all times during such unorganized existence such county shall have four terms of county court at the county seat therein each year, and the judge of the county court shall appoint a clerk of the county of said district, from among the qualified electors thereof, who shall keep and maintain his office at such county seat; Provided, further, That while so unorganized, such county shall in all respects, be part and parcel of the county with which it is united.

REMOVAL OF COUNTY SEATS.

SEC. 6. The towns herein named as county seats shall be and remain the county seats of their respective counties until changed by vote of the qualified electors of such county, in the following manner:

(a) Upon a petition or petitions in writing, signed by 25 per centum of the qualified electors of the county, such per centum to be determined by the total vote cast in such county for the head of the State ticket in the next preceding general election, said petition or petitions being verified by affidavit showing that the petitioners are qualified electors of said county and such petition or petitions having been filed with the governor at any time after four months after the admission of the State into the Union, the governor shall within thirty days issue his proclamation calling an election to be held in such county not less than sixty nor more than seventy days from the date of his proclamation.

Such election shall be held under the provisions of the election laws of the State, and upon such public notice of such election as the governor in his proclamation may direct; and the governor shall cause to be placed upon the tickets to be voted at such election only the names of such towns as may more than twenty days prior to such election, file with the governor verified petitions therefor, as above mentioned, signed by not less than 300 qualified electors of said county.

(The word "town," as herein used, shall be construed to mean town, city or place.)

(b) Upon the holding of any such election the board of canvassers shall certify and return said vote to the governor, who shall thereupon at once declare the result and cause the will of the electors to be carried into effect: Provided, That in all elections for the removal of any of the county seats named in this constitution the following rules shall govern, until the county seat is once located by a vote of the people, but not later than the 1st day of April, 1909: Provided further, In case the necessary and proper petition for the holding of an election for the removal of a county seat shall be filed

with the governor for over six months prior to the 1st day of April, 1909, in accordance with the foregoing provisions, and if such election or elections are delayed or postponed on account of any injunction or legal proceedings then the time limit provided in the subdivision of this section, shall be extended the length of time that such election or elections are delayed or postponed by such injunction or legal proceedings.

If a majority of all the votes cast in the county at such county seat election shall be in favor of any town, such town shall thereafter be the county seat: Provided, however, That where the county seat named in this constitution is within 6 miles of the geographical center of the county (said geographical center to be determined by certificate from the secretary of state, and said distance to be determined by measurement from said geographical center to the nearest corporate limits of such county seat, as they existed on the 21st day of January, 1907) it shall require 60 per centum of the total vote cast at such election by the competing town to effect the removal of such county seat, unless such competing town be more than 1 mile nearer the geographical center of said county, in which event a majority vote shall suffice, but, if more than two towns are voted for and no town receive the requisite proportion of all the votes cast, then all names of towns voted for on said ballot, except the two receiving the greatest number of votes, shall be dropped; and the governor shall, in like time and manner, cause to be called and held a second election, at which only two towns which received the greatest number of votes cast at the first election shall be voted for; and the town receiving the requisite proportion of the votes cast at the second election shall be the county seat: Provided, That, after the 1st day of April, 1909, all county seats shall be subject to removal under the above-named provisions; but the town to which removal is sought must receive two-thirds of all votes cast in such county at the election held therefor, and such elections shall not occur at intervals of less than ten years: Provided further, That until after the 1st day of April, 1909, no public money shall be expended for court-house or jail construction unless a vote of the people of such county shall have been taken on the relocation of the county seat.

SEC. 7. Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing town in such election shall be deemed guilty of bribery.

SEC. 8. The state of Oklahoma is hereby divided into counties named and described as follows (all descriptions are referred to the Indian meridian and base line established by the United States geological survey, 1895-1899; unless otherwise specifically mentioned):[7]

ARTICLE XVIII.

MUNICIPAL CORPORATIONS.

SECTION 1. Municipal corporations shall not be created by special laws, but the legislature, by general laws shall provide for the incorporation and organization of cities and towns and the classification of same in proportion to population, subject to the provisions of this article.

SEC. 2. Every municipal corporation now existing within this State shall continue with all of its present rights and powers until otherwise provided by law, and shall always have the additional rights and powers conferred by this constitution.

CHARTERS.

SEC. 3. (a) Any city containing a population of more than 2,000 inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this State, by causing a board of freeholders, composed of two from each ward, who shall be qualified electors of said city, to be elected by the qualified electors of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed

[7] Here follows a description of the counties of Oklahoma, designating the name, the boundaries and the county seat. This portion of section 8 is omitted as of no value.

in duplicate by the members of such board or a majority of them, and returned, one copy of said charter to the chief executive officer of such city and the other to the register of deeds of the county in which said city shall be situated. Such proposed charter shall then be published in one or more newspapers published and of general circulation within said city, for at least twenty-one days, if in a daily paper, or in three consecutive issues, if in a weekly paper, and the first publication shall be made within twenty days after the completion of the charter; and within thirty days, and not earlier than twenty days after such publication, it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the governor for his approval, and the governor shall approve the same if it shall not be in conflict with the constitution and laws of this State. Upon such approval it shall become the organic law of such city and supersede any existing charter and all amendments thereof and all ordinances inconsistent with it. A copy of such charter, certified by the chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors and its ratification by them shall, after the approval of such charter by the governor, be made in duplicate and deposited one in the office of the secretary of state, and the other, after being recorded in the office of said register of deeds, shall be deposited in the archives of the city; and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof (or by petition as hereinafter provided) at a general or special election, and ratified by a majority of the qualified electors voting thereon, and approved by the governor as herein provided for the approval of the charter.

SEC. 3. (b) An election of such board of freeholders may be called at any time by the legislative authority of any such city, and such election shall be called by the chief executive officer of any such city within ten days after there shall have been filed with him a petition demanding the same, signed by a number of qualified electors residing within such city, equal to 25 per centum of the total number of votes cast at the next preceding general municipal election; and such election shall be held not later than thirty days after the call therefor. At such election a vote shall be taken upon the question of whether or not further proceedings toward adopting a charter shall be had in pursuance to the call, and unless a majority of the qualified electors voting thereon shall vote to proceed further, no further proceeding shall be had, and all proceedings up to that time shall be of no effect.

INITIATIVE AND REFERENDUM.

SEC. 4. (a) The powers of the initiative and referendum, reserved by this constitution to the people of the State and the respective counties and districts therein, are hereby reserved to the people of every municipal corporation now existing or which shall hereafter be created within this State, with reference to all legislative authority which it may exercise, and amendment to charters for its own government in accordance with the provisions of the constitution.

SEC. 4. (b) Every petition for either the initiative or referendum in the government of a municipal corporation shall be signed by a number of qualified electors residing within the territorial limits of such municipal corporation, equal to 25 per centum of the total number of votes cast at the next preceding election, and every such petition shall be filed with the chief executive officer of such municipal corporation.

SEC. 4. (c) When such petition demands the enactment of an ordinance or other legal act other than the grant, extension, or renewal of a franchise, the chief executive officer shall present the same to the legislative body of such corporation at its next meeting, and unless the said petition shall be granted more than thirty days before the next election at which any city officers are to be elected, the chief executive officer shall submit the said ordinance or act so petitioned for to the qualified electors at said election

and if a majority of said electors voting thereon shall vote for the same, it shall thereupon become in full force and effect.

SEC. 4. (d) When such petition demands a referendum vote upon any ordinance or any other legal act other than the grant, extension, or renewal of a franchise, the chief executive officer shall submit said ordinance or act to the qualified electors of said corporation at the next succeeding general municipal election, and if, at said election, majority of the electors voting thereon shall not vote for the same, it shall thereupon stand repealed.

SEC. 4. (e) When such petition demands an amendment to a charter, the chief executive officer shall submit such amendment to the qualified electors of said municipal corporation at the next election of any officers of said corporation, and if, at said election, a majority of said electors voting thereon shall vote for such amendment, the same shall thereupon become an amendment to and a part of said charter, when approved by the governor and filed in the same manner and form as an original charter is required by the provisions of this article to be approved and filed.

FRANCHISES.

SEC. 5. (a) No municipal corporation shall ever grant, extend, or renew a franchise, without the approval of a majority of the qualified electors residing within its corporate limits, who shall vote thereon at a general or special election; and the legislative body of any such corporation may submit any such matter for approval or disapproval to such electors at any general municipal election, or call a special election for such purpose at any time upon thirty days' notice; and no franchise shall be granted, extended, or renewed for a longer term than twenty-five years.

SEC. 5. (b) Whenever a petition signed by a number of qualified electors of any municipal corporation equal to 25 per centum of the total number of votes cast at the next preceding general municipal election, demanding that a franchise be granted, extended, or renewed, shall be filed with the chief executive officer of said corporation, the chief executive officer shall, within ten days thereafter, call a special election, at which he shall submit the question of whether or not such franchise shall be granted, extended, or renewed, and if, at said election, a majority of the said electors voting thereon shall vote for the grant, extension, or renewal of such franchise, the same shall be granted by the proper authorities at the next succeeding regular meeting of the legislative body of the city.

SEC. 6. Every municipal corporation within this State shall have the right to engage in any business or enterprise which may be engaged in by a person, firm, or corporation by virtue of a franchise from said corporation.

SEC. 7. No grant, extension, or renewal of any franchise or other use of the streets, alleys, or other public grounds or ways of any municipality, shall divest the State, or any of its subordinate subdivisions, of their control and regulation of such use and enjoyment.

Nor shall the power to regulate the charges for public services be surrendered; and no exclusive franchise shall ever be granted.

ARTICLE XIX.

INSURANCE.

SECTION 1. No foreign insurance company shall be granted a license or permitted to do business in this State until it shall have complied with the laws of the State, including the deposit of such collateral or indemnity for the protection of its patrons within this State as may be prescribed by law, and shall agree to pay all such taxes and fees as may at any time be imposed by law or act of the legislature, on foreign insurance companies, and a refusal to pay such taxes or fees shall work a forfeiture of such license.

SEC. 2. Until otherwise provided by law, all foreign insurance companies, including surety and bond companies, doing business in the State, except fraternal insurance companies, shall pay to the insurance commissioner for the use of the State, an entrance fee as follows:

Each foreign life insurance company, per annum, $200; each foreign fi insurance company, per annum, $100; each foreign accident and health insu ance company, jointly, per annum, $100; each surety and bond company, p annum, $150; each plate glass insurance company (not accident), per annu $25; each foreign live stock insurance company, per annum, $25.

Until otherwise provided by law, domestic companies excepted, each insu ance company, including surety and bond companies, doing business in th State, shall pay an annual tax of 2 per centum on all premiums collected the State, after all cancellations are deducted, and a tax of $3 on each loc agent.

SEC. 3. The revenue and tax provisions of this constitution shall n include, but the State shall provide for, the following classes of insuran organizations not conducted for profit, and insuring only their own member

First, farm companies insuring farm property and products thereon; se ond, trades insurance companies insuring the property and interest of o line of business; third, fraternal life, health, and accident insurance in fr ternal and civic orders, and in all of which the interests of the members each respectively shall be uniform and mutual.

SEC. 4. All fees collected by the insurance commission shall be paid the State treasurer monthly.

ARTICLE XX.

MANUFACTURE AND COMMERCE.

SECTION 1. Nothing herein shall prevent the manufacture or sale denatured alcohol under such regulations as may be prescribed by law.

SEC. 2. Until changed by the legislature, the flash test provided for und the laws of Oklahoma Territory for all kerosene oil for illuminating purpos shall be 115° Fahrenheit; and the specific gravity test for all such oil, sh be 40° Baumé.

ARTICLE XXI.

PUBLIC INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions and th for the benefit of the insane, blind, deaf, and mute, and such other insti tions as the public good may require, shall be established and supported the State in such manner as may be prescribed by law.

ARTICLE XXII.

ALIEN AND CORPORATE OWNERSHIP OF LANDS.

SECTION 1. No alien or person who is not a citizen of the United Sta shall acquire title to or own land in this state, and the legislature shall en laws whereby all persons not citizens of the United States, and their hei who may hereafter acquire real estate in this state by devise, descent, otherwise, shall dispose of the same within five years upon condition escheat or forfeiture to the State: Provided, This shall not apply to Indi born within the United States, nor to aliens or persons not citizens of United States who may become bona fide residents of this State; And p vided further, That this section shall not apply to lands now owned by ali in this State.

SEC. 2. No corporation shall be created or licensed in this State for purpose of buying, acquiring, trading, or dealing in real estate other th real estate located in incorporated cities and towns and as additions there nor shall any corporation doing business in this State buy, acquire, trade, deal in real estate for any purpose except such as may be located in s towns and cities and as additions to such towns and cities, and further exc such as shall be necessary and proper for carrying on the business for wh it was chartered or licensed, nor shall any corporation be created or licen to do business in this State for the purpose of acting as agent in buying selling land: Provided, however, That corporations shall not be precl from taking mortgages on real estate to secure loans or debts or from acq

ing title thereto upon foreclosure of such mortgages or in the collection of debts, conditioned that such corporation or corporations shall not hold such real estate for a longer period that seven years after acquiring such title: And provided further, That this section shall not apply to trust companies taking only the naked title to real estate in this State as a trustee, to be held solely as security for indebtedness pursuant to such trust: And provided further, That no public-service corporation shall hold any land, or the title thereof, in any way whatever in this State, except as the same shall be necessary for the transaction and operation of its business as such public-service corporation.

ARTICLE XXIII.

MISCELLANEOUS.

LABOR.

SECTION 1. Eight hours shall constitute a day's work in all cases of employment by and on behalf of the State or any county or municipality.

CONVICT LABOR.

SEC. 2. The contracting of convict labor is hereby prohibited.

CHILD LABOR.

SEC. 3. The employment of children, under the age of 15 years, in any occupation, injurious to health or morals or especially hazardous to life or limb, is hereby prohibited.

SEC. 4. Boys under the age of 16 years, and women and girls, shall not be employed, underground, in the operation of mines; and, except in cases of emergency, eight hours shall constitute a day's work underground in all mines of the State.

SEC. 5. The legislature shall pass laws to protect the health and safety of employees in factories, in mines, and on railroads.

CONTRIBUTORY NEGLIGENCE.

SEC. 6. The defense of contributory negligence or of assumption of risk shall, in all cases whatsoever, be a question of fact, and shall, at all times, be left to the jury.

PERSONAL INJURIES.

SEC. 7. The right of action to recover damages for injuries resulting in death shall never be abrogated, and the amount recoverable shall not be subject to any statutory limitation.

WAIVER OF RIGHTS.

SEC. 8. Any provision of a contract, express or implied, made by any person, by which any of the benefits of this constitution is sought to be waived, shall be null and void.

SEC. 9. Any provision of any contract or agreement, express or implied, stipulating for notice or demand other than such as may be provided by law, as a condition precedent to establish any claim, demand, or liability, shall be null and void.

CHANGE IN SALARY, OR EMOLUMENTS.

SEC. 10. Except wherein otherwise provided in this constitution, in no case shall the salary or emoluments of any public official be changed after his election or appointment, or during his term of office, unless by operation of law enacted prior to such election or appointment; nor shall the term of any public official be extended beyond the period for which he was elected or appointed: Provided, That all officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

DEFINITION OF RACES.

SEC. 11. Wherever in this constitution and laws of this State, the word or words, "colored" or "colored race," "negro" or "negro race," are used, the

same shall be construed to mean or apply to all persons of African descent The term "white race" shall include all other persons.

ARTICLE XXIV.

CONSTITUTIONAL AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may b proposed in either branch of the legislature, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon be entered in their journals and referred by the secretary of state to the people for their approval or rejection, at the next regular general election except when the legislature, by two-thirds vote of each house, shall order a special election for that purpose. If a majority of all the electors voting at such election shall vote in favor of any amendment thereto, it shall thereby become a part of this constitution.

If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

SEC. 2. No convention shall be called by the legislature to propose alterations, revisions, or amendments to this constitution, or to propose a new constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special election and any amendments, alterations, revisions, or new constitution, proposed by such convention, shall be submitted to the electors of the State at a general or special election and be approved by a majority of the electors voting thereon, before the same shall become effective: Provided, That the question of such proposed convention shall be submitted to the people at least once in every twenty years.

SEC. 3. This article shall not impair the right of the people to amend this constitution by a vote upon an initiative petition therefor.

SCHEDULE.

In order that no inconvenience may arise by reason of a change from the forms of government now existing in the Indian Territory and in the Territory of Oklahoma, it is hereby declared as follows:

SECTION 1. No existing rights, actions, suits, proceedings, contracts, claims shall be affected by the change in the forms of government, but all shall continue as if no change in the forms of government had taken place. And all processes which may have been issued previous to the admission of the State into the Union under the authority of the Territory of Oklahoma or under the authority of the laws in force in the Indian Territory shall be as valid as if issued in the name of the State.

SEC. 2. All laws in force in the Territory of Oklahoma at the time of the admission of the State into the Union, which are not repugnant to the constitution, and which are not locally inapplicable, shall be extended to and remain in force in the State of Oklahoma until they expire by their own limitation or are altered or repealed by law.

SEC. 3. All debts, fines, penalties, and forfeitures which have accrued or may hereafter accrue to the Territory of Oklahoma shall inure to the State of Oklahoma, and may be sued for and recovered by the State.

SEC. 4. This constitution shall take effect and be in full force immediately upon the admission of the State into the Union.

SEC. 5. Until otherwise provided by law, notaries public appointed under the laws of the Territory of Oklahoma, or under the authority of the laws heretofore in force in the Indian Territory, may continue to exercise and perform the duties of the office of notary public until the expiration of their commissions: Provided, That any notary public appointed in the Indian Territory for any district, or in the Territory of Oklahoma for any county, shall after this constitution takes effect, exercise the powers, privileges, and rights of a notary public only of the county formed in whole or in part out of the

district or county for which such person is a notary public, and in which such person resides at the time the State is admitted into the Union; but before any such notary public, except notaries public for those counties in the Territory of Oklahoma, the boundaries of which have not been changed by the constitution, shall exercise the powers, privileges, and rights of a notary public of such county, he shall have filed in the office of the county clerk of the county in which he resides his commission as notary public and an affidavit stating that he is a resident of such county, whereupon he shall become a notary public for such county.

SEC. 6. The appointments of female persons as notaries public, heretofore made by the Governor of Oklahoma, and by the United States courts for the Indian Territory, and by the judges of said courts, are hereby confirmed and made valid, and all official acts of such notaries public heretofore performed are hereby validated, in so far as the acts of such notaries public may be affected by any ineligibility of such persons to appointment as notaries public. Female persons possessing the other qualifications prescribed by law shall be eligible to the office of notary public and of county superintendent of public instruction.

SEC. 7. All property, real and personal, credits, claims, and choses in action, belonging to the Territory of Oklahoma at the time the State is admitted into the Union, shall be vested in and become the property of the State of Oklahoma.

SEC. 8. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting the title to real and personal property in the Indian Territory and Osage Indian Reservation, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma extended in force in the State, as they were under the laws heretofore in force in the Indian Territory and Osage Indian Reservation.

SEC. 9. All judgments and records of deeds, mortgages, liens, and other instruments, filed or recorded, affecting title to real and personal property in new counties that have been created out of the territory of any county or counties of the Territory of Oklahoma, or out of the territory of any county or counties of the Territory of Oklahoma and of any recording district or districts of the Indian Territory, are hereby made as effectual to impart notice and for all other purposes under the laws of the Territory of Oklahoma, extended in force in the State, as the same would have been if no changes had been made by the provisions of this constitution in the boundaries of the counties as they existed in the Territory of Oklahoma, or of the boundaries of the recording districts as they existed in the Indian Territory.

SEC. 10. Until otherwise provided by law, incorporated cities and towns, heretofore incorporated under the laws in force in the Territory of Oklahoma or in the Indian Territory, shall continue their corporate existence under the laws extended in force in the State, and all officers of such municipal corporations at the time of the admission of the State into the Union shall perform the duties of their respective offices under the laws extended in force in the State, until their successors are elected and qualified in the manner that is or may be provided by law; Provided, That all valid ordinances now in force in such incorporated cities and towns shall continue in force until altered, amended, or repealed.

SEC. 11. All taxes assessed or due to incorporated cities and towns in the Indian Territory, and all taxes levied by such incorporated cities and towns for the year 1907 shall, until otherwise provided by law, be levied and collected in the same manner as now provided by law in force in the Indian Territory, and under the laws and ordinances now in force in such municipal corporations.

SEC. 12. In all incorporated cities and towns in the Indian Territory, all local improvements or public buildings in process of being made or constructed under the laws in force in the Indian Territory, or for which proceedings having been commenced under such laws at the time of the admission of the State into the Union, shall be completed under said laws, and said

laws are hereby extended in force as to such improvements or public buildings until such local improvements or public buildings are completed and paid for, as by such laws provided.

SEC. 13. The act of Congress entitled "An act for the protection of the lives of miners in the Territories," approved March 3, 1891, and the act of Congress entitled "An act to amend an act entitled 'An act for the protection of the lives of miners in the Territories,'" approved July 1, 1902, are hereby extended to and over the State of Oklahoma until otherwise provided by law: Provided, That the words, "governor of the State" are hereby substituted for the words, "governor of such organized territory," and for the words "secretary of interior," wherever the same appear in said acts, and the words, "chief mine inspector," for the words, "mine inspector," wherever the same appear in said acts. The chief mine inspector shall also perform the duties required by laws of the Territory of Oklahoma of the territorial oil inspector until otherwise provided by law.

SEC. 14. Until otherwise provided by law, all dental surgeons licensed to practice in the Territory of Oklahoma and all dental surgeons who were residents of the Indian Territory on the 16th day of June, 1906, and also all graduates of some reputable school or college of dental surgery, shall be eligible and be licensed to practice in the State without examination.

SEC. 15. Until otherwise provided by law, the officers of the State shall receive annually as compensation for their services, the following sums:

The governor, $4,500; lieutenant-governor, $1,000; secretary of state, $2,500; attorney-general, $4,000; state treasurer, $3,000; state auditor, $2,500; state examiner and inspector, $3,000; chief mine inspector, $3,000; labor commissioner, $2,000; commissioner of charities and corrections, $1,500; corporation commissioners, $4,000 each; superintendent of public instruction, $2,500; the insurance commissioner, $2,500.

SEC. 16. The salary of the justices of the supreme court of the State shall be $4,000 per annum each, and that of the judges of the district court, $3,000 per annum each, until changed by the legislature.

SEC. 17. The members of the board of agriculture, bank commissioner, clerk of the supreme court, and all other State officers, except as herein provided, or such as may be created, and all clerks and assistants, shall receive such compensation for their services as may be provided by law.

SEC. 18. Until otherwise provided by law, the terms, duties, powers, qualifications, and salary and compensation of all county and township officers, not otherwise provided in this constitution, shall be as now provided by the laws of the Territory of Oklahoma for like named officers, and the duties and compensation of the probate judge under such laws shall devolve upon and belong to the judge of the county court: Provided, That the term of office of those elected at the time of the adoption of this constitution, or first appointed under the provisions of the laws extended in force in the State, shall expire on the second Monday of January in the year 1911: And provided further, That county attorneys and judges of the county court of the several counties of the State, having a population of more than 20,000 shall be paid a salary of $2,000 per annum; and of counties having a population of more than 30,000, a salary of $2,500 per annum; and of counties having a population of more than 40,000 a salary of $3,000 per annum; such salaries to be paid in the same manner as is provided by law in force in the Territory of Oklahoma for the payment of salaries to county attorneys.

SEC. 19. Until otherwise provided by law, the boards of regents of the University of Oklahoma, of the Agricultural and Mechanical College, of the Normal schools now established, of the University Preparatory School, and of the Colored Agricultural and Normal and University, shall continue to hold their offices and exercise the functions thereof until their successors are elected or appointed and qualified.

SEC. 20. The legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any county existing in the Territory of Oklahoma between such county and any new

county or counties created in whole or in part out of the territory of such county.

SEC. 21. All property, real and personal, and credits, claims, and choses in action, belonging to the county of Day at the time of the admission of the State into the Union, shall be vested in and become the property of the county of Ellis: Provided, The legislature shall provide, by general, special, or local law, for the equitable division of the assets of Day County, thus transferred to Ellis County, and of the liabilities of Day County, between the counties of Roger Mills and Ellis.

SEC. 22. The clerk of the supreme court shall procure a seal and cause such inscription to be placed thereon as may be prescribed by the supreme court. Each clerk of the district court shall procure a seal, and, under the direction of the judge of the district court, cause to be inscribed thereon the style of his office and the name of his county. Each county clerk, county treasurer, register of deeds, county surveyor, and county superintendent of public instruction, shall procure a seal, and, under the direction of the county judge, cause to be inscribed thereon the style of his office and the name of his county. Said seal shall be sufficient and used for all lawful purposes until otherwise provided by law: Provided, That, until any of such officers shall have procured a seal, the signature of any such officer shall be sufficient for all purposes without a seal.

SEC. 23. When this constitution shall go into effect, the books, records, papers, and proceedings of the probate court in each county, and all causes and matters of administration and guardianship, and other matters pending therein, shall be transferred to the county court of such county, except Day County, which shall be transferred to the county court of Ellis County, and the county courts of the respective counties shall proceed to final decree or judgment, order, or other termination in the said several matters and causes as the said probate court might have done if this constitution had not been adopted. The district court of any county, the successor of the United States court for the Indian Territory, in each of the counties formed in whole or in part in the Indian Territory, shall transfer to the county court of such county all matters, proceedings, records, books, papers, and documents appertaining to all causes or proceedings relating to estates: Provided, That the legislature may provide for the transfer of any of said matters and causes to another county than herein prescribed.

SEC. 24. Until otherwise provided by law, the seal of the probate courts in the counties of the Territory of Oklahoma shall be the seal of the county courts, and in that part of the State heretofore comprising the Indian Territory and Osage Indian Reservation, and in the new counties created in the Territory of Oklahoma, until the county court shall have procured a proper seal, the signature of the county judge shall be sufficient for all purposes without a seal.

SEC. 25. Any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, that shall owe, at the time of the admission of the State into the Union, any indebtedness, evidenced by warrants, scrip, or other evidence of indebtedness, as authorized, through the proper officers thereof, to make provision for the payment of, and to pay, such indebtedness, either by tax levy or by issuing bonds in lieu thereof, in accordance with and under the provision of the laws extended in force in the State: Provided, That the limitation upon the amount of indebtedness that may be created by any county, city, incorporated town, township, board of education, school district, or other municipality, and upon the amount of taxes that may be levied by any county, city, incorporated town, township, board of education, school district, or other municipality, under the provisions of this constitution, or of law, shall not apply to the indebtedness, the levying of taxes, and the issuing of bonds provided for herein.

SEC. 26. All cases, civil and criminal, pending, upon the admission of the State into the Union, in the supreme court of the Territory of Oklahoma,

on appeal or writ of error from the district or probate courts of any count or subdivision within the limits of the State, and the papers, records, pr ceedings, and seal of said court shall be transferred to the supreme cou of the State, except as is otherwise provided in the enabling act of Congres And all cases, civil and criminal, pending, on the admission of the State int the Union, in the United States court of appeals for the Indian Territor and the papers, records, and proceedings of said court, shall be transferre to the supreme court of the State, except as is otherwise provided by th enabling act of Congress and the amendments thereto.

SEC. 27. All cases, civil and criminal, pending, at the time of the admi sion of the State into the Union, in the district courts of the Territory Oklahoma, in any county within the district, and the records, papers, an proceedings of said district court, and the seal and other property appertainin thereto, shall be transferred into the district court of the State for suc county, except as is provided in the enabling act of Congress, and all case civil and criminal, pending, at the time of the admission of the State int the Union, in the United States court for the Indian Territory, within th limits of any county created in whole or in part within the limits of wha was heretofore the Indian Territory, and all records, papers, and proceeding of said United States courts for the Indian Territory, and the seal and othe property appertaining thereto, shall be transferred to the district court the State for such county, except as is provided in the enabling act of Co gress and the amendments thereto: Provided, That the legislature may pr vide for the transfer of any such cases from one county to another county.

SEC. 28. The terms and provisions of an act of Congress, entitled "A act to amend sections 16, 17 and 20, of an act entitled 'An act to enable th people of Oklahoma and Indian Territory to form a constitution and Stat government and be admitted into the Union on an equal footing with th original States, and to enable the people of New Mexico and Arizona to for a constitution and State government and be admitted into the Union on a equal footing with the original States,'" are hereby accepted, and the juri diction of the cases enumerated therein is hereby assumed by the courts the State.

SEC. 29. Any person who shall be a qualified elector of any county of judicial district at the time of the election held to ratify this constitution and who shall, in all other respects, be eligible under the provisions of th constitution, to be elected judge of the district court of such district, sha be eligible to the elected judge of the district court of such district at th first election held for the election of State officers.

SEC. 30. Any person who shall have been a resident of the territory withi the limits of the State for a period of one year next preceding the date o which the election for the ratification of the constitution is held, and wh shall otherwise be eligible, under the provisions of this constitution, to b elected to any State office, shall be eligible to be elected to any such Stat office at the first election held for the election of State officers.

SEC. 31. The assessment of property in the Osage Indian Reservation fo the year 1907, by the authorities of Pawnee County, shall be the assessme of Osage County for the year 1907, and the proper authorities of Pawne County shall levy a tax on the property of the Osage Indian Reservation fo the year 1907, as now provided by law, and immediately upon the admissio of the State into the Union, the county treasurer of Pawnee County shall tur over to the county treasurer of Osage County the tax books and records taxes in the Osage Indian Reservation, so made for the year 1907, and th treasurer of Osage County shall proceed and have the authority to receiv all such taxes in the Osage Indian Reservation for the year 1907, and suc taxes shall be collected and enforced in the manner provided by law. An there shall also be collected, in addition to the tax so levied by the authoritie of Pawnee County, a county school tax of 10 mills on the dollar of th assessed valuation, and the same shall be and become the property of sai Osage County: Provided, That, out of the funds so collected, the county treas urer of Osage County shall pay to the county treasurer of Pawnee Count

the cost and expenses of making such assessment and the levying of such taxes.

SEC. 32. The legislature shall provide by general, special, or local law for the equitable division of the property, assets, and liabilities of any school district existing in the Territory of Oklahoma between such school district and any new school district created in whole or in part of the territory of any such school district, as may be affected by a change in the county boundaries under this constitution.

SEC. 33. All attorneys at law licensed to practice in any court of record of the Territory of Oklahoma, or in any of the United States courts for the Indian Territory, or any court of record of any of the Five Civilized Tribes, shall be eligible to practice in any court of the State without examination.

SEC. 34. Until otherwise provided by law, any newspaper, published at the time of the admission of the State into the Union, in any new county, created in whole or in part out of the territory of any county of Oklahoma Territory, or in any county, created in whole or in part, out of territory within the limits of the Indian Territory or Osage Indian Reservation, shall, under the laws extended in force in the State, be considered, in law, to have been published continuously for fifty-two weeks in said county and shall be a newspaper entitled to publish all legal notices, advertisements, or publications of any kind required or provided by any law of the State.

SEC. 35. All debts and indebtedness, authorized to be incurred by the constitutional convention of the proposed State of Oklahoma, and all expenses of holding the election for the ratification or rejection of this constitution and for the election of officers of a full state government, which shall remain unpaid after the appropriation made by the Congress of the United States has been exhausted, are hereby assumed by the State; and it is hereby made the duty of the legislature, at its first session, to provide for the payment of same: Provided, That the debts and indebtedness, the payment of which is hereby assumed by the State, shall not include any debt or expense as a salary or compensation of the delegates of the constitutional convention.

SEC. 36. The ordinance adopted by the constitutional convention, entitled, "An ordinance, providing for an election, at which the proposed constitution for the proposed State of Oklahoma shall be submitted to the people thereof for ratification or rejection, and submitting separately to the people of the proposed State of Oklahoma the proposed prohibition article, making substantially the terms of the enabling act uniformly applicable to the entire State, for ratification or rejection, and for the election of certain State, district, county, and township officers provided for by said proposed constitution, and for the election of members of the legislature of said proposed State of Oklahoma and for five Representatives to Congress," is hereby ratified and shall be valid for all the purposes thereof.

SEC. 37. Nothing in this constitution contained shall legalize or make valid any illegal or invalid indebtedness of any county, city, incorporated town, township, board of education, school district, or other municipality, either in the Territory of Oklahoma or the Indian Territory, or impair any defense against the payment of the same.

SEC. 38. Should the first session of the legislature, provided by this constitution, fail to provide for the division of the property, assets, and liabilities of any county existing in the Territory of Oklahoma between such county and any county or counties created in whole or in part out of such county, original jurisdiction is hereby conferred upon the supreme court to make equitable division of such property, assets, and liabilities, and for the purpose of hearing and receiving evidence and reporting findings of law and fact may appoint a special master in chancery in any such case.

SEC. 39. The qualifications prescribed by the laws of Oklahoma shall not apply to superintendents of public instruction, elected at the time of the ratification of this constitution, in the Indian Territory and Osage Indian Reservation.

SEC. 40. The terms of all officers of the State government elected at the

time of the adoption of this constitution shall begin upon the admission of the State into the Union.

SEC. 41. All persons elected at the time of the adoption of this constitution to any of the offices provided under the constitution shall be deemed to have duly qualified upon their taking the oath of office before any officer authorized by law to administer oaths, and executing such bond as may be required by law.

SEC. 42. All officers elected at the time of the adoption of the constitution shall execute such official bond as may then be required by law or thereafter required by act of the legislature; and such bonds shall inure to the benefit of the State or other beneficiary, for whose protection or security the same shall be required.

SEC. 43. When this constitution shall have been ratified by the people of the State of Oklahoma and the State admitted into the Federal Union, under the same, as engrossed on parchment and signed by the officers and members of this constitutional convention, it shall be filed in the office of the secretary of state and sacredly preserved by him, as the fundamental law of the State of Oklahoma.

Done in open convention at the city of Guthrie, in the Territory of Oklahoma, on this, the 16th day of July, in the year of our Lord 1907, and the Independence of the United States of America one hundred and thirty-first.

Attest:

JOHN MCLAIN YOUNG,
Secretary.

CHAS. H. FILSON,
Secretary of Oklahoma.

[SEAL.] WM. H. MURRAY,
President of the Constitutional Convention of the proposed State of Oklahoma and Delegate from District No. 104.

TERRITORY OF OKLAHOMA, Logan County:

I, Wm. H. Murray, president of the constitutional convention of the proposed State of Oklahoma, do hereby certify that the within and foregoing is the original parchment enrollment of the constitution and the several articles thereof adopted by the constitutional convention of the proposed State of Oklahoma, to be submitted to the people of the proposed State of Oklahoma for ratification, and that all the interlineations therein contained and all the erasures and words stricken out were made and done before the same was signed by the president, the vice-presidents, and the members of said convention.

Witness my hand this the 16th day of July, A. D. 1907.

WM. H. MURRAY,
President of the Constitutional Convention of the proposed State of Oklahoma

RESOLUTIONS ADOPTING THE CONSTITUTION OF THE UNITED STATES.

Whereas, the enabling act provides that a declaration be made by the delegates to this convention adopting the Constitution of the United States. Therefore, be it resolved by the organized convention, that the delegates elected to the constitutional convention for the proposed State of Oklahoma assembled in Guthrie, the seat of government of said Oklahoma Territory, do declare on behalf of the people of said proposed state, that they adopt the Constitution of the United States.

I hereby certify that the above and foregoing resolution was duly passed by the convention upon its organization, on the 21st day of November, A. D. 1906.

I hereby certify that the above and foregoing is a true, correct, and literal copy of the constitution for the proposed State of Oklahoma, as the same is engrossed on parchment, and signed by the officers and members of the constitutional convention and as certified to by Chas. H. Filson as secretary of the Territory of Oklahoma, under the seal of said Territory.

Given under our official signatures this 7th day of May, A. D. 1907.

WM. H. MURRAY,

President, the Constitutional Convention of the proposed State of Oklahoma.

Attest:

JOHN MCLAIN YOUNG,

Secretary.

ACCEPTING ENABLING ACT.

Be it ordained by the constitutional convention for the proposed State of Oklahoma, that said constitutional convention do, by this ordinance, irrevocable, accept the terms and conditions of an act of the Congress of the United States, entitled, "An act to enable the people of Oklahoma and the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June the 16th, anno Domini 1906.

I hereby certify that the foregoing ordinance accepting the terms and conditions of the enabling act as the same has heretofore been passed and engrossed, was engrossed with the engrossed copy of the constitution on parchment, was read as engrossed and roll call had thereon and the same duly adopted by a majority of the votes of all the delegates elected to and constituting this convention, at 11:41 o'clock, a. m., this 22nd day of April, anno Domini 1907.

WM. H. MURRAY,

President The Constitutional Convention of the proposed State of Oklahoma.

Attest:

JOHN MCLAIN YOUNG,

Secretary.

PROHIBITION.

ARTICLE SUBMITTING THE SAME SEPARATELY TO A VOTE OF THE PEOPLE.

The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within this State, or any part thereof, is prohibited for a period of twenty-one years from the date of the admission of this State into the Union, and thereafter until the people of the State shall otherwise provide by amendment of this constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within this State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from one place within this State to another place therein, except the conveyance of a lawful purchase as herein authorized, shall be punished, on conviction thereof, by fine not less than $50 and by imprisonment not less than thirty days for each offense; Provided, That the legislature may provide by law for one agency under the supervision of the State in each incorporated town of not less than 2,000 population in the State; and if there be no corporated town of 2,000 population in any county in this State, such county shall be entitled to have one such agency, for the sale of such liquor for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by

the United States, and the payment of such special tax by any person within the State shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescription pertaining thereof, shall be open to inspection by any officer or citizen of the State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of of perjury. Any physician who shall prescribe any such liquor except for treatment of disease which after his own personal diagnosis, he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than $200 or by imprisonment for not less than thirty days, or by both such fines and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of this State into the Union these provisions shall be immediately enforceable in the courts of the State: Provided, That there shall be submitted separately, at the same election at which this constitution is submitted for ratification or rejection, and on the same ballot, the foregoing article — , entitled "Prohibition," on which ballot shall be printed "for State-wide prohibition" and "against State-wide prohibition": And provided further That if a majority of the votes cast for and against State-wide prohibition are for State-wide prohibition, the said article — shall be and form a part of this constitution and be in full force and effect as such, as provided thereby but if a majority of said votes shall be against State-wide prohibition, the the provisions of said article shall not form a part of this constitution and shall be null and void.

I hereby certify that the above and foregoing provision and ordinance submitting the same separately to a vote of the people of the State as heretofore adopted on the 11th day of March, A. D. 1907, as above engrossed, was adopted as engrossed upon roll call for the purpose of such separate submission, on this the 22nd day of April, anno Domini 1907.

WM. H. MURRAY,
President The Constitutional Convention of the proposed State of Oklahoma

Attest:

JOHN MCLAIN YOUNG,
Secretary.

CONSTITUTION OF OREGON—1857.*

PREAMBLE.

We, the people of the State of Oregon, to the end that justice be established, order maintained, and liberty perpetuated, do ordain this Constitution.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. We declare that all men, when they form a social compact, are equal in right; that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.

SEC. 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

SEC. 3. No law shall in any case whatever control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No religious test shall be required as a qualification for any office of trust or profit.

SEC. 5. No money shall be drawn from the treasury for the benefit of any religious or theological institution, nor shall any money be appropriated for the payment of any religious services in either house of the Legislative Assembly.

SEC. 6. No person shall be rendered incompetent as a witness or juror in consequence of his opinions on matters of religion, nor be questioned in any court of justice touching his religious belief, to affect the weight of his testimony.

SEC. 7. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

SEC. 8. No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

SEC. 9. No law shall violate the right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 10. No court shall be secret, but justice shall be administered openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property or reputation.

SEC. 11. In all criminal prosecutions, the accused shall have the right to public trial by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 12. No person shall be put in jeopardy twice for the same offense, nor be compelled in any criminal prosecution to testify against himself.

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* The constitution of Oregon was framed by a convention which assembled at Salem on August 17, and adjourned on September 18, 1857. On November 9, 1857, the constitution as a whole was ratified by a vote of 7,195 to 3,195; there were 2,645 votes given in favor of slavery and 7,727 votes against; there were 1,081 votes given in favor of permitting the residence of free negroes and 8,040 votes against. The constitution went into effect on February 14, 1859, the day on which the act admitting Oregon to the Union was approved.

SEC. 13. No person arrested or confined in jail shall be treated with m necessary rigor.

SEC. 14. Offenses, except murder and treason, shall be bailable by suff cient sureties. Murder or treason shall not be bailable when the proof is evide or the presumption strong.

SEC. 15. Laws for the punishment of crime shall be founded on the prin ciples of reformation, and not of vindictive justice.

SEC. 16. Excessive bail shall not be required, nor excessive fines impose Cruel and unusual punishments shall not be inflicted, but all penalties shall b proportioned to the offense. In all criminal cases whatever, the jury shall hav the right to determine the law and the facts, under the direction of the court a to the law, and the right of new trial, as in civil cases.

SEC. 17. In all civil cases, the right of trial by jury shall remain inviolat

SEC. 18. Private property shall not be taken for public use, nor the pa ticular services of any man be demanded, without just compensation; no except in case of the State, without such compensation first assessed an tendered.

SEC. 19. There shall be no imprisonment for debt except in case of frau or absconding debtors.

SEC. 20. No law shall be passed granting to any citizen or class of citizen privileges or immunities which, upon the same terms, shall not equally belon to all citizens.

SEC. 21. No ex post facto law, or law impairing the obligations of co tracts, shall ever be passed, nor shall any law be passed, the taking effect o which shall be made to depend upon any authority, except as provided in thi Constitution; provided, the laws locating the Capital of the State, locatin county seats and submitting town and corporate acts, and other local and specia laws, may take effect or not, upon a vote of the electors interested.

SEC. 22. The operation of the laws shall never be suspended except by th authority of the Legislative Assembly.

SEC. 23. The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it.

SEC. 24. Treason against the State shall consist only in levying wa against it, or adhering to its enemies, giving them aid or comfort. No perso shall be convicted of treason unless on the testimony of two witnesses to th same overt act, or confession in open court.

SEC. 25. No conviction shall work corruption of blood or forfeiture o estate.

SEC. 26. No law shall be passed restraining any of the inhabitants of th State from assembling together in a peaceable manner to consult for the common good; nor from instructing their representatives; nor from applyin to the legislature for redress of grievances.

SEC. 27. The people shall have the right to bear arms for the defense o themselves and the State, but the military shall be kept in strict subordinatio to the civil power.

SEC. 28. No soldier shall, in time of peace, be quartered in any hou without the consent of the owner, nor in time of war, except in the mann prescribed by law.

SEC. 29. No law shall be passed granting any title of nobility, or co ferring hereditary distinctions.

SEC. 30. No law shall be passed prohibiting emigration from the State.

SEC. 31. White foreigners who are or may hereafter become residents this State shall enjoy the same rights in respect to the possession, enjoyme and descent of property as native-born citizens. And the Legislative Assemb shall have power to restrain and regulate the immigration to this State persons not qualified to become citizens of the United States.

SEC. 32. No tax or duty shall be imposed without the consent of the peop or their representatives in the Legislative Assembly; and all taxation shall equal and uniform.

SEC. 33. This enumeration of rights and privileges shall not be construe to impair or deny others retained by the people.

SEC. 34. There shall be neither slavery nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 35. No free negro or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws for the removal by public officers of all such negroes and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ or harbor them.[1]

SEC. 36. From and after January first, 1916, no intoxicating liquors shall be manufactured, or sold within this State, except for medicinal purposes upon prescription of a licensed physician, or for scientific, sacramental or mechanical purposes.

This section is self-executing and all provisions of the Constitution and laws of this State and of the charters and ordinances of all cities, towns and other municipalities therein, in conflict with the provisions of this section, are hereby repealed.[2]

SEC. 36a. No intoxicating liquors shall be imported into this State for beverage purposes.

This section is self-executing and all provisions of the Constitution and laws of this State and of the charters and ordinances of all cities, towns and other municipalities therein, in conflict with the provisions of this section, are hereby repealed.[3]

SEC. 36. The death penalty shall not be inflicted upon any person under the laws of Oregon. The maximum punishment which may be inflicted shall be life imprisonment.

All provisions of the Constitution and laws of Oregon in conflict with this section are hereby abrogated and repealed in so far as they conflict herewith, and this section is self executing.[4]

ARTICLE II.

SUFFRAGE AND ELECTIONS.

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, shall be entitled to vote.[5]

SEC. 3. No idiot or insane person shall be entitled to the privileges of an

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[1] These restrictions on the rights of negroes and mulattoes were abrogated by the Fourteenth Amendment of the Federal Constitution.

[2] Section 36 is a new section; it was proposed by initiative petition filed on July 1, 1914, ratified at the election of November 3, 1914, and became effective on December 3, 1914.

[3] Section 36a is a new section; it was proposed by initiative petition filed on July 6, 1916, ratified on November 7, 1916, and became effective on December 5, 1916.

[4] Section 36 is a new section; it was proposed by initiative petition filed on July 2, 1914, ratified at the election of November 3, 1914, and declared effective on December 3, 1914. It will be observed that the last two sections of this article are each numbered 36; this occurred by reason of the fact that both sections were designated as 36 by the petition by which they were proposed.

[5] Section 2 has been amended twice; the first amendment was proposed by initiative petition filed on December 20, 1910, ratified at the election of November 5, 1912, and became effective on November 30, 1912. The second amendment was proposed by the legislative assembly of 1913 and ratified at the election of November 3, 1914, and took effect on December 3, 1914. The text of the amendment of 1912 is as follows:

§ 2. In all elections not otherwise provided for by this Constitution, every citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election, and every person of foreign birth of the age of twenty-one years and upwards, who shall have resided in this State during the six months immediately preceding such election, and shall have declared his or her intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

elector; and the privilege of an elector shall be forfeited by a conviction of any crime which is punishable by imprisonment in the penitentiary.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum, at public expense; nor while confined in any public prison.

SEC. 5. No soldier, seaman, or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

SEC. 6. No negro, Chinaman, or mulatto shall have the right of suffrage.[6]

SEC. 7. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.

SEC. 8. The Legislative Assembly shall enact laws to support the privilege of free suffrage prescribing the manner of regulating and conducting elections and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult and other improper conduct.

SEC. 9. Every person who shall give or accept a challenge to fight a duel or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 10. No person holding a lucrative office or appointment under the United States, or under this State, shall be eligible to a seat in the Legislative Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted; provided, that officers in the militia, to which there is attached no annual salary, and the office of postmaster, where the compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

SEC. 11. No person who may hereafter be a collector or holder of public moneys shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all the sums for which he may be liable.

SEC. 12. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment pro tempore shall not be reckoned a part of that term.

SEC. 13. In all cases except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

SEC. 14. The regular general biennial election in Oregon for the year A. D. 1910 and thereafter shall be held on the first Tuesday after the first Monday in November. All officers except the Governor, elected for a six-year term in 1906, or for a four-year term in 1906, or for a two-year term in 1908, shall continue to hold their respective offices until the first Monday in January, 1911; and all officers, except the Governor, elected at any regular general biennial election after the adoption of this amendment, shall assume the duties of their respective offices on the first Monday in January following such election. All laws pertaining to the nomination of candidates, registration of voters, and all other things incident to the holding of a regular biennial election shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November that they have heretofore been before the first Monday in June biennially, except as may hereafter be provided by law.[7]

[6] The restrictions imposed by this section on the right of suffrage were abrogated by the Fourteenth and Fifteenth Amendments of the Federal Constitution.

[7] Amendment proposed by the legislative assembly of 1907, ratified on June 1, 1908, and declared effective on June 23, 1908.

SEC. 15. In all elections by the Legislative Assembly, or by either branch thereof, votes shall be given openly or viva voce, and not by ballot, forever; and in all elections by the people, votes shall be given openly, or viva voce, until the Legislative Assembly shall otherwise direct.

SEC. 16. In all elections authorized by this Constitution until otherwise provided by law, the person or persons receiving the highest number of votes shall be declared elected, but provisions may be made by law for elections by equal proportional representation of all the voters for every office which is filled by the election of two or more persons whose official duties, rights and powers are equal and concurrent. Every qualified elector resident in his precinct and registered as may be required by law, may vote for one person under the title for each office. Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office. For an office which is filled by the election of one person it may be required by law that the person elected shall be the final choice of a majority of the electors voting for candidates for that office. These principles may be applied by law to nominations by political parties and organizations.[8]

SEC. 17. All qualified electors shall vote in the election precinct in the county where they may reside, for county officers, and in any county in the State for State officers, or in any county of a Congressional District in which such electors may reside, for Members of Congress.

SEC. 18. Every public officer in Oregon is subject, as herein provided, to recall by the legal voters of the State or of the electoral district from which he is elected. There may be required twenty-five per cent, but not more, of the number of electors who voted in his district at the preceding election for Justice of the Supreme Court to file their petition demanding his recall by the people. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within twenty days in his said electoral district to determine whether the people will recall said officer. On the sample ballot at said election shall be printed in not more than two hundred words, the reasons for demanding the recall of said officer as set forth in the recall petition, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order a special election when it is required. No such petition shall be circulated against any officer until he has actually held his office six months, save and except that it may be filed against a senator or representative in the Legislative Assembly at any time after five days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by the Legislative Assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words "the Legislative Assembly shall provide" or any similar or equivalent words in this Constitution or any amendment thereto, shall not be construed to grant to the Legislative Assembly any exclusive power of law-

[8] Amendment proposed by initiative petition filed January 30, 1908, ratified on June 1, 1908, and declared in force on June 23, 1908.

making nor in any way to limit the initiative and referendum powers reserved by the people.[9]

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government shall be divided into three separate departments—the Legislative, the Executive, including the Administrative and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of the State shall be vested in a Legislative Assembly, consisting of a Senate and House of Representatives, but the people reserve to themselves power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the Legislative Assembly, and also reserve power at their own option to approve or reject at the polls any Act of the Legislative Assembly. The first power reserved by the people is the initiative, and not more than eight per cent of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by the petition signed by five per cent of the legal voters or by the Legislative Assembly, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislative Assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measure referred to the people. All elections on measures referred to the people of the State shall be had at the biennial regular general election, except when the Legislative Assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be "Be it enacted by the people of the State of Oregon." This section shall not be construed to deprive any member of the Legislative Assembly of the right to introduce any measure. The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he, and all other officers shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.

SEC. 1a. The referendum may be demanded by the people against one or more items, sections, or parts of any act of the Legislative Assembly in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of that act from becoming operative. The initiative and referendum powers reserved to the people by this Constitution are hereby further reserved to the legal voters of every municipality and district, as to all local, special and municipal legislation, of every

[9] Section 18 is a new section; it was proposed by initiative petition filed January 29, 1908, ratified June 1, 1908, and declared effective on June 23, 1908.

[10] Amendment proposed and adopted by the legislative assembly of 1899, re-adopted by the legislative assembly of 1901, and ratified on June 2, 1902.

character, in or for their respective municipalities and districts. The manner of exercising said powers shall be prescribed by general laws, except that cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent of the legal voters may be required to order the referendum nor more than fifteen per cent to propose any measure by the initiative, in any city or town.[11]

SEC. 2. The Senate shall consist of sixteen, and the House of Representatives of thirty-four members, which number shall not be increased until the year eighteen hundred and sixty, after which time the Legislative Assembly may increase the number of Senators and Representatives; always keeping as near as may be, the same ratio as to the number of Senators and Representatives; provided, that the Senate shall never exceed thirty, and the House of Representatives sixty members.

SEC. 3. The Senators and Representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law.

SEC. 4. The Senators shall be elected for the term of four years, and Representatives for the term of two years from the day next after their general election; provided, however, that the Senators-elect, at the first session of the Legislative Assembly under this Constitution, shall be divided by lot into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of the increase in the number of Senators, they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as possible.

SEC. 5. The Legislative Assembly shall, in the year eighteen hundred and sixty-five, and every ten years after, cause an enumeration to be made of all the white population of the State.

SEC. 6. The number of Senators and Representatives shall, at the session next following an enumeration of the inhabitants by the United States or this State, be fixed by law, and apportioned among the several counties according to the number of white population in each. And the ratio of Senators and Representatives shall be determined by dividing the whole number of white population of such county or district, by such respective ratios; and when a fraction shall result from such division, which shall exceed one-half of such ratio, such county or district shall be entitled to a member for such fraction. And in case any county shall not have the requisite population to entitle such county to a member, then such county shall be attached to some adjoining county for senatorial or representative purposes.

SEC. 7. A senatorial district, when more than one county shall constitute the same, shall be composed of contiguous counties, and no county shall be divided in creating senatorial districts.

SEC. 8. No person shall be a Senator or Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been for one year next preceding his election an inhabitant of the county or district whence he may be chosen. Senators and Representatives shall be at least twenty-one years of age.

SEC. 9. Senators and Representatives in all cases, except for treason, felony, or breach of the peace, shall be privileged from arrest during the session of the Legislative Assembly, and in going to and returning from same; and shall not be subject to any civil process during the session of the Legislative Assembly, nor during the fifteen days next before the commencement thereof. Nor shall a member, for words uttered in debate in either House, be questioned in any other place.

SEC. 10. The sessions of the Legislative Assembly shall be held biennially at the Capital of the State, commencing on the second Monday of September, in the year eighteen hundred and fifty-eight, and on the same day of every

[11] Section 1a is a new section; it was proposed by initiative petition filed February 3, 1906, ratified on June 4, 1906, and declared in force on June 25, 1906.

second year thereafter, unless a different day shall have been appointed by law.[12]

SEC. 11. Each House, when assembled, shall choose its own officers, judge of the election, qualifications and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither House shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 12. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been elected.

SEC. 13. Each House shall keep a journal of its proceedings. The yeas and nays on any question shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal; provided, that on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 14. The doors of each House, and of committees of the whole, shall be kept open, except in such cases as in the opinion of either House may require secrecy.

SEC. 15. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 16. Either House, during its session, may punish by imprisonment any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence, but such imprisonment shall not at any time exceed twenty-four hours.

SEC. 17. Each House shall have all powers necessary for a branch of the legislative department of a free and independent state.

SEC. 18. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

SEC. 19. Every bill shall be read by sections, on three several days, in each House, unless, in case of emergency, two-thirds of the House where such bill may be pending, shall, by a vote of yeas or nays, deem it expedient to dispense with this rule; but the reading of a bill by sections on its final passage shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 20. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subjects shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 21. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 22. No act shall ever be revised or amended by mere reference to its title, but the act revised or section amended shall be set forth and published at full length.

SEC. 23. The Legislative Assembly shall not pass special or local laws in any of the following enumerated cases, that is to say:

1. Regulating the jurisdiction and duties of justices of the peace, and of constables;
2. For the punishment of crimes and misdemeanors;
3. Regulating the practice in courts of justice;
4. Providing for changing the venue in civil and criminal cases;
5. Granting divorces;
6. Changing the names of persons;

[12] By an act of 1882 the legislative assembly now meets on the second Monday of January, following each biennial election.

7. For laying, opening and working on highways, and for the election or appointment of supervisors;

8. Vacating roads, town plats, streets, alleys and public squares;

9. Summoning and empaneling grand and petit jurors;

10. For the assessment and collection of taxes for State, county, township or road purposes.

11. Providing for supporting common schools, and for the preservation of school funds;

12. In relation to interest on money;

13. Providing for opening and conducting the elections of State, county or township officers, and designating the places of voting;

14. Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 24. Provisions may be made by general law for bringing suit against the State, as to all liabilities originating after or existing at the time of the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

SEC. 25. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution; and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective Houses.

SEC. 26. Any member of either House shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until ninety days from the end of the session at which the same shall have been passed, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

SEC. 29. The members of the Legislative Assembly shall receive for their services a sum not exceeding three dollars a day from the commencement of the session; but such pay shall not exceed in the aggregate one hundred and twenty dollars for per diem allowance for any one session. When convened in extra session by the Governor, they shall receive three dollars per day; but no extra session shall continue for a longer period than twenty days. They shall also receive the sum of three dollars for every twenty miles they shall travel in going to and returning from their place of meeting, on the most usual route. The presiding officers of the assembly shall, in virtue of their office, receive an additional compensation equal to two-thirds of their per diem allowance as members.

SEC. 30. No Senator or Representative shall, during the time for which he may have been elected, be eligible to any office, the election to which is vested in the Legislative Assembly; nor shall be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term, but this latter provision shall not be construed to apply to any officer elective by the people.

SEC. 31. The members of the Legislative Assembly shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be), according to the best of my ability."

And such oath may be administered by the Governor, Secretary of State, or Judges of the Supreme Court.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The chief executive power of the State shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than eight, in any period of twelve years.

SEC. 2. No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election, a resident within this State.

SEC. 3. No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the office of Governor; except as may be otherwise provided in this Constitution.

SEC. 4. The Governor shall be elected by the qualified electors of the State, at the times and places of choosing members of the Legislative Assembly, and the returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the Legislative Assembly.

SEC. 5. The person having the highest number of votes for Governor shall be elected; but in case two or more persons shall have an equal, and the highest number of votes for Governor, the two houses of the Legislative Assembly, at the next regular session thereof, shall forthwith, by joint vote, proceed to elect one of the said persons Governor.

SEC. 6. Contested elections for Governor shall be determined by the Legislative Assembly in such manner as may be prescribed by law.

SEC. 7. The official term of the Governor shall be four years; and shall commence at such times as may be provided by this Constitution, or prescribed by law.

SEC. 8. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Secretary of State; and in case of the removal from office, death, resignation, or inability, both of the Governor and Secretary of State, the President of the Senate shall act as Governor, until the disability be removed, or a Governor be elected.

SEC. 9. The Governor shall be commander-in-chief of the military and naval forces of this state, and may call out such forces to execute the laws, to suppress insurrection, or to repel invasion.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall, from time to time, give to the Legislative Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 12. He may, on extraordinary occasions, convene the Legislative Assembly by proclamation and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SEC. 13. He shall transact all necessary business with the officers of Government, and may require information in writing from the officers of the administrative and military departments upon any subject relating to the duties of their respective offices.

SEC. 14. He shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission

of fines and forfeitures shall have been made, and the several amounts remitted.

SEC. 15 (a). The Governor shall have power to veto single items in appropriation bills.

SEC. 15 (b). Every bill which shall have passed the Legislative Assembly shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider it. If after such reconsideration two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered on the journal of each house respectively; if any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor within five days next after the adjournment (Sundays excepted) shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislative Assembly at its next session in like manner as if it had been returned by the Governor.[13]

SEC. 16. When, during a recess of the Legislative Assembly, a vacancy shall happen in any office, the appointment to which is vested in the Legislative Assembly; or when at any time a vacancy shall have occurred in any other State office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 17. He shall issue writs of election to fill such vacancies as may have occurred in the Legislative Assembly.

SEC. 18. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the seal of the State, and attested by the Secretary of State.

ARTICLE VI.

ADMINISTRATIVE DEPARTMENT.

SECTION 1. There shall be elected by the qualified electors of the State, at the time and places of choosing members of the Legislative Assembly, a Secretary, and Treasurer of State, who shall severally hold their offices for the term of four years; but no person shall be eligible to either of said offices more than eight, in any period of twelve years.

SEC. 2. The Secretary of State shall keep a fair record of the official acts of the Legislative Assembly, and executive department of the State; and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislative Assembly. He shall be, by virtue of his office, auditor of public accounts, and shall perform such other duties as shall be assigned him by law.

SEC. 3. There shall be a Seal of State, kept by the Secretary of State for official purposes, which shall be called "The Seal of the State of Oregon."

SEC. 4. The power and duties of the Treasurer of State shall be such as may be prescribed by law.

SEC. 5. The Governor, and the Secretary, and Treasurer of State shall severally keep the public records, books and papers in any manner relating to their respective offices, at the seat of government, at which place also the Secretary of State shall reside.

SEC. 6. There shall be elected in each county, by the qualified electors

[13] Amendment proposed by the legislative assembly of 1915, ratified at the election of Nov. 7, 1916, and declared effective on December 5, 1916. Sub-section (a), authorizing the governor to veto items in appropriation bills, is the amendment.

thereof at the time of holding general elections, a county clerk, treasurer sheriff, coroner and surveyor, who shall severally hold their offices for th term of two years.

SEC. 7. Such other county, township, precinct, and city officers as ma be necessary, shall be elected or appointed in such manner as may be pre scribed by law.

SEC. 8. No person shall be elected or appointed to a county office who shal not be an elector of the county; and all county, township, precinct and cit officers shall keep their respective offices at such places therein, and perfor such duties as may be prescribed by law.

SEC. 9. Vacancies in county, township, precinct and city offices shall b filled in such manner as may be prescribed by law.

ARTICLE VII[14]

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in one Suprem Court and in such other courts as may from time to time be created by law The Judges of the Supreme and other courts shall be elected by the lega voters of the State or of their respective districts for a term of six years and shall receive such compensation as may be provided by law, which com pensation shall not be diminished during the term for which they are elected

SEC. 2. The courts, jurisdiction, and judicial system of Oregon, excep so far as expressly changed by this amendment, shall remain as at presen constituted until otherwise provided by law. But the Supreme Court may, i its own discretion, take original jurisdiction in mandamus, quo warranto an habeas corpus proceedings.

SEC. 3. In actions at law, where the value in controversy shall excee twenty dollars, the right of trial by jury shall be preserved, and no fac tried by a jury shall be otherwise re-examined in any court of this State unless the court can affirmatively say there is no evidence to support th verdict. Until otherwise provided by law, upon appeal of any case to the Su preme Court, either party may have attached to the bill of exceptions th whole testimony, the instructions of the court to the jury, and any othe matter material to the decision of the appeal. If the Supreme Court shall be o the opinion, after consideration of all the matters thus submitted, that th judgment of the court appealed from was such as should have been rendere in the case, such judgment shall be affirmed, notwithstanding any error com mitted during the trial; or if, in any respect, the judgment appealed fro should be changed, and the Supreme Court shall be of opinion that it ca determine what judgment should have been entered in the court below, shall direct such judgment to be entered in the same manner and with lik effect as decrees are now entered in equity cases on appeal to the Supren Court. Provided, that nothing in this section shall be construed to authoriz the Supreme Court to find the defendant in a criminal case guilty of a offense for which a greater penalty is provided than that of which th accused was convicted in the lower court.

SEC. 4. The terms of the Supreme Court shall be appointed by law; bu there shall be one term at the seat of government annually. At the clos of each term the judges shall file with the Secretary of State concise writte statements of the decisions made at that term.

SEC. 5. In civil cases three-fourths of the jury may render a verdic The Legislative Assembly shall so provide that the most competent of th permanent citizens of the county shall be chosen for jurors; and out of th whole number in attendance at the court, seven shall be chosen by lot a grand jurors, five of whom must concur to find an indictment. But provisio may be made by law for drawing and summoning the grand jurors from th regular jury list at any time, separate from the panel of petit jurors, ar

[14] The whole of Article VII was amended by initiative petition, filed July 7, 191 ratified on November 8, 1910, and declared effective on December 3, 1910.

for the sitting of the grand jury during vacation as well as session of the court, as the judge may direct. No person shall be charged in any circuit court with the commission of any crime or misdemeanor defined or made punishable by any of the laws of this State, except upon indictment found by a grand jury; provided, however, that any district attorney may file an amended indictment whenever an indictment has, by a ruling of the court, been held to be defective in form.

SEC. 6. Public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been prescribed by law.

SEC. 7. Every Judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I, ——— ———, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a Judge of the Supreme Court of this State, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected."

[ARTICLE VII.][15]

SECTION 1. The judicial power of the State shall be vested in a Supreme Court, circuit courts, and county courts, which shall be courts of record, having general jurisdiction, to be defined, limited and regulated by law in accordance with this Constitution. Justices of the peace may also be invested with limited judicial powers, and municipal courts may be created to administer the regulations of incorporated towns and cities.

SEC. 2. The Supreme Court shall consist of four Justices, to be chosen in districts by the electors thereof, who shall be citizens of the United States, and who shall have resided in the State at least three years next preceding their election, and after their election to reside in their respective districts. The number of Justices and districts may be increased, but shall not exceed five, until the white population of the State shall amount to one hundred thousand, and shall never exceed seven; and the boundaries of districts may be changed, but no change of district shall have the effect to remove a judge from office, or require him to change his residence without his consent.[16]

SEC. 3. The judges first chosen under this Constitution shall allot among themselves their terms of office, so that the term of one of them shall expire in two years, one in four years, and two in six years, and thereafter one or more shall be chosen every two years, to serve for the term of six years.

SEC. 4. Every vacancy in the office of Judge of the Supreme Court shall be filled by election for the remainder of the vacant term, unless it would expire at the next election, and until so filled, or when it would so expire, the Governor shall fill the vacancy by appointment.

SEC. 5. The Judge who has the shortest term to serve, or the oldest of several having such shortest term, and not holding by appointment, shall be the Chief Justice.

SEC. 6. The Supreme Court shall have jurisdiction only to revise the final decisions of the circuit courts; and every cause shall be tried, and every decision shall be made by those judges only, or a majority of them, who did not try the cause or make the decision in the circuit court.

SEC. 7. The terms of the Supreme Court shall be appointed by law, but there shall be one term at the seat of government annually. And at the

[15] [Article VII] as given here is the original article, prior to the adoption of the article of 1910. As it remains in effect until altered by further legal enactment it is given in full with all amendments thereto.

[16] By chapter 5, Acts of 1909, the number of judges of the supreme court was increased to five, and this act was held valid in *State v. Cochran*, 55 Or. 157; by chapter 167 of the acts of 1913, the number of supreme judges was increased to seven.

close of each term the Judges shall file with the Secretary of State, concise written statements of the decisions made at that term.

SEC. 8. The circuit court shall be held twice, at least, in each year, in each county organized for judicial purposes, by one of the Justices of the Supreme Court, at times to be appointed by law; and at such other times as may be appointed by the Judges, severally, in pursuance of law.

SEC. 9. All judicial power, authority and jurisdiction not vested by this Constitution, or by laws consistent therewith, exclusively in some other court shall belong to the circuit courts; and they shall have appellate jurisdiction and supervisory control over the county courts, and all other inferior courts, officers and tribunals.

SEC. 10. When the white population of the State shall amount to two hundred thousand, the Legislative Assembly may provide for the election of Supreme and Circuit Judges in distinct classes, one of which classes shall consist of three Justices of the Supreme Court, who shall not perform circuit duty, and the other class shall consist of the necessary number of circuit judges, who shall hold full terms without allotment, and who shall take the same oath as the Supreme Judges.[17]

SEC. 11. There shall be elected in each county, for the term of four years, a county judge, who shall hold the county court at times to be regulated by law.

SEC. 12. The county court shall have the jurisdiction pertaining to probate courts, and boards of county commissioners, and such other powers and duties and such civil jurisdiction not exceeding the amount of value of five hundred dollars, and such criminal jurisdiction not extending to death or imprisonment in the penitentiary as may be prescribed by law. But the Legislative Assembly may provide for the election of two commissioners to sit with the county judge whilst transacting county business in any or all the counties, or may provide a separate board for transacting such business.

SEC. 13. The county judge may grant preliminary injunctions and such other writs as the Legislative Assembly may authorize to grant, returnable to the circuit court, or otherwise, as may be provided by law; and may hear and decide questions arising upon habeas corpus; provided, such decision be no against the authority or proceedings of a court or judge of equal or higher jurisdiction.

SEC. 14. The counties having less than ten thousand white inhabitants shall be reimbursed wholly or in part, for the salary and expenses of the county court, by fees, percentage, and other equitable taxation of the business done in said court, and in the office of the county clerk.

SEC. 15. A county clerk shall be elected in each county, for the term of two years, who shall keep all the public records, books and papers of the county, record conveyances, and perform the duties of clerk of the circuit and county courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed twelve hundred the Legislative Assembly may authorize the election of one person as clerk of the circuit court, one person as the clerk of the county court, and one person recorder of conveyances.

SEC. 16. A sheriff shall be elected in each county for the term of two years, who shall be the ministerial officer of the circuit and county courts and shall perform such other duties as may be prescribed by law.

SEC. 17. There shall be elected by districts comprised of one or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police, as the Legislative Assembly may direct.

SEC. 18. The Legislative Assembly shall so provide that the most competent of the permanent citizens of the county shall be chosen for jurors; and out of the whole number in attendance at the court, seven shall be chosen by lot as grand jurors, five of whom must concur to find an indictment. No

[17] See Note No. 16.

erson shall be charged in any circuit court with the commission of any crime misdemeanor defined or made punishable by any of the laws of this State, xcept upon indictment found by a grand jury; provided, however, that any istrict attorney may file an amended indictment whenever an indictment as, by a ruling of the court, been held to be defective in form.[18]

SEC. 19. Public officers shall not be impeached; but incompetency, corption, malfeasance or delinquency in office may be tried in the same manner s criminal offenses, and judgment may be given of dismissal from office, and ich further punishment as may have been prescribed by law.

SEC. 20. The Governor may remove from office a Judge of the Supreme ourt, or prosecuting attorney, upon a joint resolution of the Legislative Assembly, in which two-thirds of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or ther sufficient cause stated in such resolution.

SEC. 21. Every Judge of the Supreme Court, before entering upon the ties of his office, shall take, subscribe, and transmit to the Secretary of tate, the following oath:

"I, ———— ————, do solemnly swear (or affirm) that I will support ie Constitution of the United States, and the Constitution of the State of regon, and that I will faithfully and impartially discharge the duties of a idge of the Supreme and Circuit Courts of said State, according to the st of my ability, and that I will not accept any other office, except judicial fices, during the term for which I have been elected."

ARTICLE VIII.

EDUCATIONAL AND SCHOOL LANDS.

SECTION 1. The Governor shall be Superintendent of Public Instruction, id his powers and duties in that capacity shall be such as may be preribed by law; but after the term of five years from the adoption of this onstitution, it shall be competent for the Legislative Assembly to provide law for the election of a Superintendent, to provide for his compensation, id prescribe his powers and duties.

SEC. 2. The proceeds of all the lands which have been or hereafter may granted to this State, for educational purposes (excepting the lands hereofore granted to aid in the establishment of a university), all the moneys id clear proceeds of all property which may accrue to the State by escheat forfeiture; all moneys which may be paid as exemption from military ity; the proceeds of all gifts, devises and bequests, made by any person the State for common school purposes; the proceeds of all property granted the State when the purposes of such grant shall not be stated; all the roceeds of the five hundred thousand acres of land to which the State is ntitled by the provisions of an Act of Congress, entitled "An Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption ghts, approved the 4th of September, 1841," and also the five per centum of ie net proceeds of the sales of the public lands, to which this State shall ecome entitled on her admission into the Union (if Congress shall consent such appropriation of the two grants last mentioned) shall be set apart s a separate and irreducible fund, to be called the Common School Fund, ie interest of which, together with all other revenues derived from the school nd mentioned in this section, shall be exclusively applied to the support id maintenance of common schools in each school district, and the purchase suitable libraries and apparatus therefor.

SEC. 3. The Legislative Assembly shall provide by law for the establishment of a uniform and general system of common schools.

SEC. 4. Provision shall be made by law for the distribution of the income the common school fund among the several counties of the State, in proortion to the number of children resident therein between the ages of four id twenty years.

[18] Amendment proposed by initiative petition filed January 30, 1908, ratified on ne 1, 1908, and declared in force on June 23, 1908.

SEC. 5. The Governor, Secretary of State, and State Treasurer shall c stitute a board of commissioners for the sale of school and university lan and for the investment of the funds arising therefrom, and their powers a duties shall be such as may be prescribed by law; provided, that no part the university funds, or of the interest arising therefrom, shall be expend until the period of ten years from the adoption of this Constitution, unl the same shall be otherwise disposed of by the consent of Congress for comm school purposes.

ARTICLE IX.

FINANCE.

SECTION 1. The Legislative Assembly shall provide by law for uniform a equal rate of assessment and taxation, and shall prescribe such regulations shall secure a just valuation for taxation of all property, both real and p sonal, excepting such only for municipal, educational, literary, scientific, ligious, or charitable purposes as may be specially exempted by law.

SEC. 1a. No poll or head tax shall be levied or collected in Oregon. T Legislative Assembly shall not declare an emergency in any act regulating ta tion or exemption.[19]

SEC. 1b. All ships and vessels of fifty tons or more capacity engaged either passenger or freight coasting or foreign trade, whose home ports registration are in the State of Oregon, shall be and are hereby exempt from all taxes of every kind whatsoever, excepting taxes for State purpos until the first day of January, 1935.[20]

SEC. 2. The Legislative Assembly shall provide for raising revenue su cient to defray the expenses of the State for each fiscal year, and also a su cient sum to pay the interest on the State debt, if there be any.

SEC. 3. No tax shall be levied except in pursuance of law, and every l imposing a tax shall state distinctly the object of the same, to which o it shall be applied.

SEC. 4. No money shall be drawn from the treasury but in pursuance appropriations made by law.

SEC. 5. An accurate statement of the receipts and expenditures of t public money shall be published with the laws of each regular session of t Legislative Assembly.

SEC. 6. Whenever the expenses of any fiscal year shall exceed the inco the Legislative Assembly shall provide for levying a tax for the ensuing fis year, sufficient, with other sources of income, to pay the deficiency, as w as the estimated expense of the ensuing fiscal year.

SEC. 7. Laws making appropriations for the salaries of public officers a other current expenses of the State, shall contain provisions upon no ot subject.

SEC. 8. All stationery required for the use of the State shall be furnis by the lowest responsible bidder, under such regulations as may be prescri by law. But no State officer or member of the Legislative Assembly shall interested in any bid or contract for furnishing such stationery.

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[19] Section 1a is a new section; it was originally proposed by initiative petition f June 23, 1910, ratified on November 8, 1910, and declared effective on Decembe 1910. The original section was amended by initiative petition filed February 27, 1 ratified November 5, 1912, and declared effective on November 29, 1912. The tex the original section is as follows:

§ 1a. No poll or head tax shall be levied or collected in Oregon; no bill regu ing taxation or exemption throughout the State shall become a law until approved the people of the State at a regular general election; none of the restrictions of Constitution shall apply to measures approved by the people declaring what shal subject to taxation or exemption and how it shall be taxed or exempted whether posed by the Legislative Assembly or by initiative petition; but the people of several counties are hereby empowered and authorized to regulate taxation and emptions within their several counties, subject to any general law which may be l after enacted.

[20] Section 1b is a new section; it was proposed by the legislative assembly 1915, ratified on November 7, 1916, and declared effective on December 5, 1916.

ARTICLE X.

MILITIA.

SECTION 1. The militia of this state shall consist of all able-bodied male citizens between the ages of eighteen and forty-five, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State.

SEC. 2. Persons whose religious tenets or conscientious scruples forbid them to bear arms, shall not be compelled to do so in time of peace, but shall pay an equivalent for personal service.

SEC. 3. The Governor shall appoint the Adjutant-General and the other chief officers of the general staff, and his own staff; and all officers of the line shall be elected by the persons subject to military duty in their respective districts.

SEC. 4. The majors-general, brigadiers-general, colonels, or commandants of regiments, battalions, or squadrons, shall severally appoint their staff officers, and the Governor shall commission all officers of the line and staff ranking as such.

SEC. 5. The Legislative Assembly shall fix by law the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and make all other needful rules and regulations in such manner as they may deem expedient, not incompatible with the Constitution or laws of the United States, or of the Constitution of this State, and shall fix the rank of all staff officers.

ARTICLE XI.

CORPORATIONS AND INTERNAL IMPROVEMENTS.

SECTION 1. The Legislative Assembly shall not have the power to establish or incorporate any bank or banking company, or moneyed institution whatever; nor shall any bank, company or institution exist in the State with the privilege of making, issuing or putting into circulation any bill, check, certificate, promissory note or other paper, or the paper of any bank, company or person to circulate as money.

SEC. 2. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon.[21]

SEC. 2a. The Legislative Assembly, or the people by the initiative, may enact a general law providing a method whereby an incorporated city or town or municipal corporation may surrender its charter and be merged into an adjoining city or town, provided a majority of the electors of each of the incorporated cities or towns or municipal corporations affected authorize the surrender or merger, as the case may be.[22]

SEC. 3. The stockholders of all corporations and joint stock companies shall

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[21] Section 2 has been amended twice; the first amendment was proposed by initiative petition filed on February 3, 1906, ratified on June 4, 1906, and declared adopted on June 25, 1906; the present amendment was proposed by initiative petition filed June 3, 1910, ratified on November 8, 1910, and declared effective on December 3, 1910. The text of the amendment of 1906 is as follows:

§ 2. Corporations may be formed under general laws, but shall not be created by the legislative assembly by special laws. The legislative assembly shall not enact, amend, or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the constitution and criminal laws of the state of Oregon.

[22] Section 2a is a new section; it was proposed by the legislative assembly of 1913, ratified at the election of November 3, 1914, and declared effective on December 3, 1914.

be liable for the indebtedness of said corporation to the amount of their sto subscribed and unpaid and no more, excepting that the stockholders of c porations or joint stock companies conducting the business of banking sh be individually liable equally and ratably and not one for another, for t benefit of the depositors of said bank, to the amount of their stock, at the p value thereof, in addition to the par value of such shares.[23]

SEC. 4. No person's property shall be taken by any corporation, und authority of law, without compensation being first made or secured in su manner as may be prescribed by law.

SEC. 5. Acts of the Legislative Assembly incorporating towns and cit shall restrict their powers of taxation, borrowing money, contracting del and loaning their credit.

SEC. 6. The State shall not subscribe to or be interested in the stock any company, association or corporation.

SEC. 7. The Legislative Assembly shall not lend the credit of the St nor in any manner create any debt or liabilities which shall singly or in t aggregate with previous debts or liabilities exceed the sum of fifty thousa dollars, except in case of war or to repel invasion or suppress insurrection to build and maintain permanent roads; and the Legislative Assembly sh not lend the credit of the State nor in any manner create any debt or liabilit to build and maintain permanent roads which shall singly or in the agg gate with previous debts or liabilities incurred for that purpose exceed t per cent of the assessed valuation of all the property in the State; and eve contract of indebtedness entered into or assumed by or on behalf of the St in violation of the provisions of this section shall be void and of no effect

SEC. 8. The State shall never assume the debts of any county, town other corporation whatever, unless such debts shall have been created repel invasion, suppress insurrection or defend the State in war.

SEC. 9. No county, city, town or other municipal corporation, by a v of its citizens or otherwise, shall become a stockholder in any joint st company, corporation or association whatever, or raise money for, or loan credit to, or in aid of, any such company, corporation, or association.

SEC. 10. No county shall create any debts or liabilities which shall sin or in the aggregate with previous debts or liabilities exceed the sum of f thousand dollars, except to suppress insurrection or repel invasion or to bu and maintain permanent roads within the county; and debts for perman roads shall be incurred only on approval of a majority of those voting on question, and shall not either singly or in the aggregate with previous de and liabilities incurred for that purpose exceed two per cent of the asse valuation of all the property in the county.[25]

SEC. 11. Unless specifically authorized by a majority of the legal vot voting upon the question, neither the State nor any county, municipality, trict or body to which the power to levy a tax shall have been delegated sh in any year so exercise that power as to raise a greater amount of reve for purposes other than the payment of bonded indebtedness or interest ther than the total amount levied by it in the year immediately preceding for p poses other than the payment of bonded indebtedness or interest thereon six per centum thereof; provided, whenever any new county, municipality other taxing district shall be created and shall include in whole or in p

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[23] Amendment proposed by the legislative assembly of 1911, ratified on Noven 5, 1912, and declared effective on November 29, 1912.

[24] Amendment proposed by initiative petition filed July 2, 1912, ratified on Nov ber 5, 1912, and declared effective on November 29, 1912.

[25] Section 10 has been amended twice; the first amendment was proposed initiative petition filed July 7, 1910, ratified on November 8, 1910, and declared eff ive on December 3, 1910; the second amendment was proposed by initiative peti filed July 2, 1912, ratified on November 5, 1912, and declared effective on Noven 29, 1912. The text of the amendment of 1910 is as follows:

§ 10. No county shall create any debts or liabilities which shall singly or in aggregate exceed the sum of five thousand dollars, except to suppress insurrectio repel invasion, or to build permanent roads within the county, but debts for perm ent roads shall be incurred only on approval of a majority of those voting on question.

property theretofore included in another county, like municipality or other taxing districts, no greater amount of taxes shall be levied in the first year by either the old or the new county, municipality or other taxing district upon any property included therein than the amount levied thereon in the preceding year by the county, municipality or district in which it was then included plus six per centum thereof; provided, further, that the amount of any increase in levy specifically authorized by the legal voters of the State, or of a county, municipality, or other district, shall be excluded in determining the amount of taxes which may be levied in any subsequent year.

The prohibition against the creation of debts by counties prescribed in Section 10 of Article XI of this Constitution shall apply and extend to debts hereafter created in the performance of any duties or obligations imposed upon counties by the Constitution or laws of the State, and any indebtedness created by any county in violation of such prohibition and any warrants for or other evidences of any such indebtedness and any part of any levy of taxes made by the State or any county, municipality, or other taxing district or body which shall exceed the limitations fixed hereby shall be void.[26]

ARTICLE XIa.

[RURAL CREDITS.]

SECTION 1. Notwithstanding the limitations contained in Section 7 of Article XI of this Constitution, the credit of the State may be loaned and indebtedness incurred to an amount not exceeding two per cent of the assessed valuation of all the property in the State for the purpose of providing funds to be loaned upon the security of farm lands within the State, subject to the limitations herein contained.

SEC. 2. The Governor, Secretary of State, and State Treasurer shall constitute the State Land Board, which Board is hereby authorized and directed to issue and sell or pledge bonds in the name of the State to be known as Oregon farm credit bonds in an amount not to exceed said two per cent of the assessed valuation of all the property in the State, and to place the proceeds in the State Treasury in a fund to be known as the "Rural Credits Loan Fund."

SEC. 3. Said bonds shall be issued in denominations of $25.00, $100.00, $500.00 and $1,000.00, and shall be issued in series of $50,000.00 or multiples thereof, drawn to mature in not more than thirty-six years. They shall bear interest at the rate of four per cent per annum and shall be exempt from all taxes levied by the State of Oregon, or any of its subdivisions.

SEC. 4. Said State Land Board is authorized and directed to loan the moneys in said Rural Credits Loan Fund to owners of farm lands in Oregon upon notes secured by mortgages or deeds of trust constituting first liens on such farm lands in amounts which shall not exceed fifty per cent of the value of such lands, nor $50.00 per acre on such lands, nor less than $200.00 nor more than $5,000.00 to any individual. If pending applications shall at any time exceed the funds available, preference shall be given to loans not exceeding $2,000.00 in amount.

SEC. 5. Such loans shall not be made except to owners who operate and occupy the lands mortgaged, and shall be made only for the following purposes: (a) The payment for lands purchased; (b) the purchase of livestock and other equipment, and the making of improvements which, in the judgment of said Board, will increase the productivity of such lands or add to their value as a farm home in a degree to justify such expenditure; and (c) for the satisfaction of incumbrances upon such lands which, in the judgment of said Board, were incurred or assumed by said applicant for the aforesaid purposes.

SEC. 6. Every applicant for a farm loan shall state clearly in his application the purposes for which such loan is desired, and upon its approval by the Board this statement shall be deemed a part of the note or contract under

[26] Section 11 is a new section; it was proposed by initiative petition filed July 6, 1916, ratified on November 7, 1916, and declared effective on December 5, 1916.

which the loan is granted. But no failure to apply such funds to the pu poses stated in such application or enumerated herein shall invalidate a lo when once made, nor shall anything herein contained be deemed to preve any farm owner from selling or leasing lands subject to such incumbranc but if he shall violate his said contract by applying the moneys borrow to purposes other than those stated in his application or enumerated here or if he shall lease such lands or sell them to any person not fulfilling t conditions and purposes provided for herein, said Board is authorized a directed to require the repayment of said loan upon six months' notice, a said note or contract shall contain a clause providing therefor.

SEC. 7. Such loans shall be repaid with interest accruing in semi-annu or annual installments on the amortization plan, such installments being fix at such sums as will cover the interest rate and will liquidate the debt a period to be agreed on between said Board and the applicant, such peri to be not less than ten nor more than thirty-six years; but any debtor m liquidate any part or all of his indebtedness in amounts of $50.00 or multipl thereof upon any amortization payment date.

SEC. 8. The rate of interest on loans shall be five per cent per annu provided that in case any series of said farm credit bonds is sold at an avera of less than par, the Board may charge upon such farm loans as are ma from the proceeds of the series so sold below par a rate of interest in exc of five per cent, but which shall not exceed by more than one per cent t rate which the State must pay for the funds actually obtained from t disposal of its said bonds. The Boards, however, shall require each applica to pay an initial charge of one per cent of the loan granted, the minimu charge to be $10.00, to cover the cost of appraisal and examination of ti

SEC. 9. All surplus funds accruing from the operation of the system rural credits herein provided for, after paying interest accruing on the afo said bonds, and all operating and other expenses arising from the admin tration of said system of rural credits, shall be placed in the State Treasu and become a part of a fund to be known as the "Rural Credits Reser Fund." Said Rural Credits Reserve Fund shall be loaned on farm lands the manner herein provided for the Rural Credits Loan Fund, and the inter accruing from loans made from said Rural Credits Reserve Fund shall added to it and become part of it. The said Rural Credits Reserve Fu shall be irreducible except that it may be drawn upon to reimburse the St for loss incurred in the administration of said system of rural credits.

SEC. 10. The Legislative Assembly shall provide in such detail as it sh deem advisable for the carrying out and administering of the provisions this amendment and shall provide adequate safeguards against the use such loans as an aid to the purchasing and holding of lands for purpo of speculation. Such safeguards shall include clear definitions of the ter "operate" and "occupy" used herein. In the absence of such legislation, subject to the same after its enactment, the State Land Board shall proc to administer said system of rural credits under rules and regulations vided by itself, but subject to the provisions herein contained.

SEC. 11. The provisions of the Constitution and laws of Oregon in con with this amendment are hereby repealed in so far only as they conflict he with. The provisions of this amendment shall be self-executing, and sh take effect and be in operation sixty days after their approval and adopt by the people of Oregon.[27]

ARTICLE XII.

STATE PRINTER.

SECTION 1. Laws may be enacted providing for the State printing binding, and for the election or appointment of a State Printer, who s have had not less than ten years' experience in the art of printing. State Printer shall receive such compensation as may from time to time

[27] Article XIa is a new article; it was proposed by initiative petition filed Jul 1916, ratified on November 7, 1916, and declared effective on December 5, 1916.

provided by law. Until such laws shall be enacted the State Printer shall be elected and the printing done as heretofore provided by this Constitution and the general laws.[28]

ARTICLE XIII.

SALARIES.

SECTION 1. The Governor shall receive an annual salary of fifteen hundred dollars. The Secretary of State shall receive an annual salary of fifteen hundred dollars. The Treasurer of State shall receive an annual salary of eight hundred dollars. The Judges of the Supreme Court shall each receive an annual salary of two thousand dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their respective offices; and the compensation of officers, if not fixed by this Constitution, shall be provided by law.[29]

ARTICLE XIV.

SEAT OF GOVERNMENT.

SECTION 1. The Legislative Assembly shall not have power to establish a permanent seat of government for this State. But at the first regular session after the adoption of this Constitution, the Legislative Assembly shall provide by law for the submission to the electors of this State at the next general election thereafter, the matter of the selection of a place for a permanent seat of government; and no place shall ever be the seat of government under such law, which shall not receive a majority of all the votes cast on the matter of such election.[30]

SEC. 2. No tax shall be levied, or money of the State expended, or debt contracted for the erection of a State House prior to the year eighteen hundred and sixty-five.

SEC. 3. The seat of government, when established as provided in Section 1, shall not be removed for a term of twenty (20) years from the time of such establishment, nor in any other manner than as provided in the first section of this article. All the public institutions of the State not located elsewhere prior to January 1, 1917, shall be located in the county where the seat of government is, excepting when otherwise ordered by an act of the Legislative Assembly and is ratified by the electors of the State at the next general election following such act, by a majority of all the votes cast on the question of whether or not such act shall be ratified.[31]

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. All officers except members of the Legislative Assembly shall hold their offices until their successors are elected and qualified.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But

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[28] Amendment proposed by initiative petition filed February 3, 1906, ratified on June 4, 1906, and declared in force on June 25, 1906.

[29] By an act of the session of 1905, the salary of the governor was fixed at $5,000 per annum; the salary of the secretary of state at $4,500; the salary of the state treasurer at $4,500; and the salary of the attorney general at $3,600. In 1907 the salaries of the judges of the supreme court were fixed at $4,500 per annum, and in 1915 the salary of the state printer was fixed at $1,800.

[30] By virtue of an act approved November 19, 1860, the question of the location of the seat of government was submitted to the electors at the general election of June, 1862, and at every general election thereafter until "some one point should receive a majority of all the votes cast on the question." At the election of 1862 no point received a majority of the votes cast. At the election of 1864, Salem received 6,108 votes; Portland, 3,864; Eugene, 1,588; and all other points 577 votes. Salem having received a majority of 79 votes of the whole vote cast was declared the permanent seat of government.

[31] Amendment proposed by the legislative assembly of 1907, ratified on June 1, 1908, and declared adopted on June 23, 1908.

the Legislative Assembly shall not create any office the tenure of which shall be longer than four years.

SEC. 3. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.

SEC. 4. Lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the Legislative Assembly shall prevent the same by penal laws.

SEC. 5. The property and pecuniary rights of every married woman at the time of marriage, or afterwards acquired by gift, devise or inheritance, shall not be subject to the debts or contracts of the husband; and laws shall be passed providing for the registration of the wife's separate property.

SEC. 6. No county shall be reduced to an area of less than four hundred square miles; nor shall any new county be established in this State containing a less area, nor unless such new county shall contain a population of at least twelve hundred inhabitants.

SEC. 7. No State officers or members of the Legislative Assembly shall directly or indirectly receive a fee, or be engaged as counsel, agent or attorney in the prosecution of any claim against the State.

SEC. 8. No Chinaman, not a resident of the State at the adoption of this Constitution, shall ever hold any real estate or mining claim, or work any mining claim therein. The Legislative Assembly shall provide by law in the most effectual manner for carrying out the above provisions.[32]

ARTICLE XVI.

BOUNDARIES.

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to-wit:

Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly at the same distance from the line of the coast lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly to and up the middle channel of the said river, and when it is divided by islands, up the middle of the widest channel thereof, and in like manner up the middle of the main channel of Snake River to the mouth of the Owyhee River; thence due south to the parallel of latitude forty-two degrees north; thence west along said parallel to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with states and territories of which those rivers form a boundary in common with this State. But the Congress of the United States, in providing for the admission of this State into the Union, may make the said northern boundary conform to the act creating the Territory of Washington.

ARTICLE XVII.

AMENDMENTS.

SECTION. 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislative Assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular general election, except when the Legislative Assembly shall order a special election for

[32] The supreme court in *Chapman v. Toy Long*, 4 Saw. 36, intimates that under the treaty of 1868, Article 6, a mining regulation which forbids Chinamen from working mining claims for themselves or others, as well as this clause of the constitution, are in direct conflict with that treaty, but the question was not judicially passed upon. Hence the provisions of this section have never been enforced.

hat purpose. If a majority of the electors voting on any such amendment shall ote in favor thereof, it shall thereby become a part of the Constitution. The otes for and against such amendment or amendments, severally, whether proosed by the Legislative Assembly or by initiative petition, shall be canvassed y the Secretary of State in the presence of the Governor, and if it shall ppear to the Governor that the majority of the votes cast at said election n said amendment or amendments, severally, are cast in favor thereof, it hall be his duty forthwith after such canvass, by his proclamation, to declare he said amendment or amendments, severally, having received said majority f votes, to have been adopted by the people of Oregon as part of the Constiution thereof, and the same shall be in effect as a part of the Constitution rom the date of such proclamation. When two or more amendments shall e submitted in the manner aforesaid to the voters of this State, at the ame election, they shall be so submitted that each amendment shall be voted n separately. No convention shall be called to amend or propose amendments o this Constitution, or to propose a new Constitution, unless the law providing or such convention shall first be approved by the people on a referendum ote at a regular general election. This article shall not be construed to mpair the rights of the people to amend this Constitution by vote upon an nitiative petition therefor.[33]

ARTICLE XVIII.

SCHEDULE.

SECTION 1. For the purpose of taking the vote of the electors of the State or the acceptance or rejection of this Constitution, an election shall be held n the second Monday of November, in the year 1857, to be conducted according o existing laws regulating the election of Delegate in Congress, so far as pplicable, except as herein otherwise provided.

SEC. 2. Each elector who offers to vote upon this Constitution shall be sked by the judges of election this question:

Do you vote for the Constitution—yes or no?

And also this question:

Do you vote for slavery in Oregon—yes or no?

And also this question:

Do you vote for free negroes in Oregon—yes or no?

And in the poll books shall be columns headed respectively, "Constitution, yes"; "Constitution, no"; "free negroes, yes"; "free negroes, no"; "slavery, es"; "slavery, no."

And the names of the electors shall be entered in the poll books, together with their answers to said questions, under their appropriate heads. The bstracts of the votes transmitted to the Secretary of the Territory shall be ublicly opened and canvassed by the Governor and Secretary, or by either f them in the absence of the other; and the Governor, or, in his absence, he Secretary, shall forthwith issue his proclamation, and publish the same in he several newspapers printed in this State, declaring the result of the said lection upon each of said questions.

SEC. 3. If a majority of all the votes given for and against the Constitution shall be given for the Constitution, then this Constitution shall be deemed o be approved and accepted by the electors of the State, and shall take effect ccordingly; and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors f the State, and shall be void.

SEC. 4. If this Constitution shall be accepted by the electors, and a majority of all the votes given for and against slavery shall be given for slavery, hen the following section shall be added to the bill of rights and shall be art of this Constitution:

"Section —. Persons lawfully held as slaves in any State, Territory or

[33] Amendment proposed by initiative petition filed February 3, 1906, ratified June 1906, and declared in effect on June 25, 1906. This amendment takes the place of riginal sections 1 and 2.

district of the United States, under the laws thereof, may be brought int this State; and such slaves and their descendants may be held as slaves withi this State, and shall not be emancipated without the consent of their owners.

And if a majority of such votes shall be given against slavery, then th foregoing section shall not, but the following section shall be, added to th bill of rights, and shall be a part of this Constitution:

"Section —. There shall be neither slavery nor involuntary servitude i the State, otherwise than as a punishment for crime, whereof the party sha have been duly convicted."

And if a majority of all the votes given for and against free negroes sha be given against free negroes, then the following section shall be added t the bill of rights and shall be a part of this Constitution:

"Section —. No free negro or mulatto, not residing in this State at th time of the adoption of this Constitution, shall come, reside, or be withi this State, or hold any real estate, or make any contracts, or maintain an suit therein; and the Legislative Assembly shall provide by penal laws fo the removal by public officers of all such negroes and mulattoes, and for thei effectual exclusion from the State, and for the punishment of persons who sha bring them into the State, or employ or harbor them."

SEC. 5. Until an enumeration of the white inhabitants of the State sha be made, and the Senators and Representatives apportioned as directed in th Constitution, the county of Marion shall have two Senators and four Repre sentatives; Linn, two Senators and four Representatives; Lane, two Senator and three Representatives; Clackamas and Wasco, one Senator, jointly, an Clackamas three Representatives, and Wasco one Representative; Yamhil one Senator and two Representatives; Polk, one senator and two Represent tives; Benton, one Senator and two Representatives; Multnomah, one Senato and two Representatives; Washington, Columbia, Clatsop and Tillamook, o Senator jointly; and Washington, one Representative, and Washington an Columbia, one Representative jointly, and Clatsop and Tillamook, one Repr sentative jointly; Douglas, one Senator and two Representatives; Jackson, o Senator and three Representatives; Josephine, one Senator and one Represent tive; Umpqua, Coos and Curry, one Senator jointly, and Umpqua, one Repr sentative, and Coos and Curry, one Representative jointly.

SEC. 6. If this Constitution shall be ratified, an election shall be held o the first Monday in June, 1858, for the election of members of the Legisla tive Assembly, a Representative in Congress, and State and county officers and the Legislative Assembly shall convene at the Capital on the first Mo day of July, 1858, and proceed to elect two Senators in Congress, and mak such further provision as may be necessary to the complete organization of State government.

SEC. 7. All laws in force in the Territory of Oregon when this Constit tion takes effect, and consistent therewith, shall continue in force until alter or repealed.

SEC. 8. All officers of the Territory of Oregon, or under its laws, whe this Constitution takes effect, shall continue in office until superseded by th State authorities.

SEC. 9. Crimes and misdemeanors committed against the Territory of Or gon shall be punished by the State as they might have been punished by t Territory if the change of government had not been made.

SEC. 10. All property and rights of the Territory and of the several counti subdivisions and political bodies, corporate of or in the Territory, includi fines, penalties, forfeitures, debts, and claims of whatsoever nature, and reco nizances, obligations, and undertakings to or for the use of the Territory, or a county, political corporation, office or otherwise, to or for the public, shall inu to the State, or remain to the county, local division, corporation, officer, public, as if the change of government had not been made; and private righ shall not be affected by such change.

SEC. 11. Until otherwise provided by law, the judicial districts of the Sta shall be constituted as follows: The counties of Jackson, Josephine and Dougl

shall constitute the First District. The counties of Umpqua, Coos and Curry, Lane and Benton shall constitute the Second District. The counties of Linn, Marion, Polk, Yamhill and Washington shall constitute the Third District. The counties of Clackamas, Multnomah, Wasco, Columbia, Clatsop and Tillamook shall constitute the Fourth District; and the county of Tillamook shall be attached to the county of Clatsop for judicial purposes.

Done in convention at Salem, the eighteenth day of September, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-second.

M. P. DEADY, *President.*

CHESTER N. TERRY, *Secretary.*

CONSTITUTION OF PENNSYLVANIA.—1873.*

PREAMBLE.

We, the people of the Commonwealth of Pennsylvania, grateful to Almigh God for the blessings of civil and religious liberty, and humbly invoki His guidance, do ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

That the general, great and essential principles of liberty and free go ernment may be recognized and unalterably established, we declare that—

SECTION 1. All men are born equally free and independent, and ha certain inherent and indefeasible rights, among which are those of enjoyi and defending life and liberty, of acquiring, possessing and protecting pro erty and reputation, and of pursuing their own happiness.

SEC. 2. All power is inherent in the people, and all free governmen are founded on their authority and instituted for their peace, safety a happiness. For the advancement of these ends they have at all times inalienable and indefeasible right to alter, reform or abolish their gover ment in such manner as they may think proper.

SEC. 3. All men have a natural and indefeasible right to worship A mighty God according to the dictates of their own consciences; no man can right be compelled to attend, erect or support any place of worship, or maintain any ministry, against his consent; no human authority can, in a case whatever, control or interfere with the rights of conscience and no pr erence shall ever be given by law to any religious establishments or mod of worship.

SEC. 4. No person who acknowledges the being of a God, and a futu state of rewards and punishments shall, on account of his religious sen ments, be disqualified to hold any office or place of trust or profit under t Commonwealth.

SEC. 5. Elections shall be free and equal; and no power, civil or mi tary, shall at any time interfere to prevent the free exercise of the right suffrage.

SEC. 6. Trial by jury shall be as heretofore, and the right thereof main inviolate.

SEC. 7. The printing press shall be free to every person who may underta to examine the proceedings of the Legislature or any branch of government, and law shall ever be made to restrain the right thereof. The free communicati of thoughts and opinions is one of the invaluable rights of man, and eve citizen may freely speak, write and print on any subject, being responsible f the abuse of that liberty. No conviction shall be had in any prosecution f the publication of papers relating to the official conduct of officers or men public capacity, or to any other matter proper for public investigation or inf mation, where the fact that such publication was not maliciously or negligen made shall be established to the satisfaction of the jury; and in all indictmen for libels the jury shall have the right to determine the law and the fac under the direction of the court, as in other cases.

SEC. 8. The people shall be secure in their persons, houses, papers a possessions from unreasonable searches and seizures, and no warrant to sear

* The constitution of Pennsylvania was drafted by a convention which assembl at Harrisburg on Nov. 12, 1872, and adjourned on Nov. 27, to meet in Philadelph Jan. 7, 1873, where the remainder of the sessions were held. The convention co pleted its work on Nov. 3, 1873, and the constitution was submitted to the voters December 16, 1873, and was adopted by a vote of 253,744 to 108,594. The consti tion was submitted as a whole and no proposition was submitted separately, and it came effective on Jan. 1, 1874.

any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

SEC. 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

SEC. 10. No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

SEC. 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

SEC. 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SEC. 15. No commission of oyer and terminer or jail delivery shall be issued.

SEC. 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

SEC. 17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

SEC. 18. No person shall be attainted of treason or felony by the Legislature.

SEC. 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof.

SEC. 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

SEC. 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

SEC. 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

SEC. 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

SEC. 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

SEC. 25. Emigration from the State shall not be prohibited.

SEC. 26. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever main inviolate.

ARTICLE II.

THE LEGISLATURE.

SECTION 1. The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

SEC. 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

SEC. 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

SEC. 4. The General Assembly shall meet at twelve o'clock, noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.[1]

SEC. 5. Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

SEC. 6. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress, or other person, holding any office (except of attorney-at-law or in the militia) under the United States, or this Commonwealth, shall be a member of either House during his continuance in office.

SEC. 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

SEC. 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

SEC. 9. The Senate shall at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

SEC. 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

SEC. 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the

[1] Invalidated by Article XVII of the Amendments to the Federal Constitution.

oncurrence of two-thirds, to expel a member, but not a second time for the ame cause, and shall have all other powers necessary for the Legislature of free State. A member expelled for corruption shall not thereafter be eligible either House, and punishment for contempt or disorderly behavior shall not ar an indictment for the same offense.

SEC. 12. Each House shall keep a journal of its proceedings and from ime to time publish the same, except such parts as require secrecy, and the eas and nays of the members on any question shall, at the desire of any two f them, be entered on the journal.

SEC. 13. The sessions of each House and of committees of the whole shall e open, unless when the business is such as ought to be kept secret.

SEC. 14. Neither House shall, without the consent of the other, adjourn or more than three days, nor to any other place than that in which the two Houses shall be sitting.

SEC. 15. The members of the General Assembly shall in all cases, except reason, felony, violation of their oath of office, and breach or surety of the eace, be privileged from arrest during their attendance at the sessions of heir respective Houses and in going to and returning from the same; and for ny speech or debate in either House they shall not be questioned in any other lace.

SEC. 16. The State shall be divided into fifty senatorial districts of com act and contiguous territory as nearly equal in population as may be, and each istrict shall be entitled to elect one Senator. Each county containing one or ore ratios of population shall be entitled to one Senator for each ratio, and to n additional Senator for a surplus of population exceeding three-fifths of a atio, but no county shall form a separate district unless it shall contain four- fths of a ratio, except where the adjoining counties are each entitled to one r more Senators, when such county may be assigned a Senator on less than our-fifths and exceeding one-half of a ratio; and no county shall be divided nless entitled to two or more Senators. No city or county shall be entitled to eparate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of he State by the number of fifty.

SEC. 17. The members of the House of Representatives shall be appor- ioned among the several counties, on a ratio obtained by dividing the population f the State as ascertained by the most recent United States census by two undred. Every county containing less than five ratios shall have one represen- ative for every full ratio, and an additional representative when the surplus xceeds half a ratio; but each county shall have at least one representative. Every ounty containing five ratios or more shall have one representative for every full atio. Every city containing a population equal to a ratio shall elect separately s proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having ver one hundred thousand inhabitants shall be divided into districts of compact nd contiguous territory, each district to elect its proportion of representatives, ccording to its population, but no district shall elect more than four represen- atives.

SEC. 18. The General Assembly at its first session after the adoption of his Constitution, and immediately after each United States decennial census, hall apportion the State into senatorial and representative districts agreeably o the provisions of the two next preceding sections.

ARTICLE III.

LEGISLATION.

SECTION 1. No law shall be passed except by bill, and no bill shall be so ltered or amended, on its passage through either House, as to change its riginal purpose.

SEC. 2. No bill shall be considered unless referred to a committee, returned herefrom, and printed for the use of the members.

SEC. 3. No bill, except general appropriation bills, shall be passed co taining more than one subject, which shall be clearly expressed in its title.

SEC. 4. Every bill shall be read at length on three different days in ea House; all amendments made thereto shall be printed for the use of the me bers before the final vote is taken on the bill, and no bill shall become a law, u less on its final passage the vote be taken by yeas and nays, the names of t persons voting for and against the same be entered on the journal, and a maj ity of the members elected to each House be recorded thereon as voting in favor.

SEC. 5. No amendment to bills by one House shall be concurred in by t other, except by the vote of a majority of the members elected thereto, tak by yeas and nays, and the names of those voting for and against recorded up the journal thereof; and reports of committees of conference shall be adopt in either House only by the vote of a majority of the members elected there taken by yeas and nays, and the names of those voting recorded upon t journals.

SEC. 6. No law shall be revived, amended, or the provisions thereof e tended or conferred, by reference to its title only, but so much thereof as revived, amended, extend or conferred shall be re-enacted and published length.

SEC. 7. The General Assembly shall not pass any local or special law:

Authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining, roads, hig ways, streets or alleys:

Relating to ferries or bridges, or incorporating ferry or bridge compani except for the erection of bridges crossing streams which form boundar between this and any other State:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards or public grounds not of the State:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or chang county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the pl of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borou limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counti cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evide in, any judicial proceeding or inquiry before courts, aldermen, justices of peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery other tribunals, or providing or changing methods for the collection of de or the enforcing of judgments, or prescribing the effect of judicial sales real estate:

Regulating the fees or extending the powers and duties of aldermen, justi of the peace, magistrates or constables:

Regulating the management of public schools, the building or repair of school houses, and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability, except af due notice to all parties in interest, to be recited in the special enactment:

Remitting fines, penalties and forfeitures, or refunding moneys legally p into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

SEC. 8. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be affected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published shall be exhibited in the General Assembly before such act shall be passed.

SEC. 9. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

SEC. 10. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

SEC. 11. No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law.

SEC. 12. All stationery, printing paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

SEC. 13. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

SEC. 14. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

SEC. 15. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 16. No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

SEC. 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

SEC. 18. No appropriations, except for pensions or gratuities for military

services, shall be made for charitable, educational or benevolent purposes, to any person or community, nor to any denominational or sectarian institution corporation or association.

SEC. 19. The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriation shall be applied exclusively to the support of such widows and orphans.

SEC. 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

SEC. 21. The General Assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and fixing the basis of ascertainment of such compensation and the maximum and minimum limit thereof, and providing special or general remedies for the collection thereof but in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes, different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.[2]

SEC. 22. No act of the General Assembly shall authorize the investment of trust funds by executors, administrators, guardians or other trustees, in the bonds or stock of any private corporation, and such acts now existing are avoided, saving investments heretofore made.

SEC. 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

SEC. 24. No obligation or liability of any railroad or other corporation held or owned by the Commonwealth, shall ever be exchanged, transferred remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State Treasury.

SEC. 25. When the General Assembly shall be convened in special session there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

SEC. 26. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill.

SEC. 27. No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

SEC. 28. No law changing the location of the capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election, and ratified and approved by them.

SEC. 29. A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another or from any company, corporation or person, any money, office, appointment employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence or for withhold

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[2] Amendment proposed and adopted by the legislature of 1913, re-adopted by the legislature of 1915, and ratified on Nov. 2, 1915.

ing the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offense, and such additional punishment as is or shall be provided by law.

SEC. 30. Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 31. The offense of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

SEC. 32. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

SEC. 33. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

ARTICLE IV.

THE EXECUTIVE.

SECTION 1. The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

SEC. 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

SEC. 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

SEC. 4. A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions, as the Governor; he shall be President of the Senate, but shall have no vote unless they be equally divided.

SEC. 5. No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an

inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

SEC. 6. No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant Governor.

SEC. 7. The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

SEC. 8. He shall nominate and, by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen; in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.[3]

SEC. 9. He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment, but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

SEC. 10. He may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

SEC. 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

SEC. 13. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed, shall devolve upon the Lieutenant Governor.

SEC. 14. In case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be

[3] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified on Nov. 2, 1909. There is a conflict between this section and section 25 of Article V as to filling vacancies in courts of record.

noved, shall devolve upon the President pro tempore of the Senate; and
President pro tempore of the Senate shall in like manner become Governor
a vacancy or disability shall occur in the office of Governor; his seat as
nator shall become vacant whenever he shall become Governor, and shall be
ed by election as any other vacancy in the Senate.

SEC. 15. Every bill which shall have passed both Houses shall be presented
the Governor; if he approve he shall sign it, but if he shall not approve he
all return it with his objections to the House in which it shall have originated,
ich House shall enter the objections at large upon their journal, and pro-
d to reconsider it. If, after such reconsideration, two-thirds of all the mem-
s elected to that House shall agree to pass the bill, it shall be sent with the
jections to the other House by which likewise it shall be reconsidered, and if
proved by two-thirds of all the members elected to that House it shall be a
v; but in such cases the votes of both Houses shall be determined by yeas
d nays, and the names of the members voting for and against the bill shall be
tered on the journals of each House respectively. If any bill shall not be
urned by the Governor within ten days after it shall have been presented to
n, the same shall be a law in like manner as if he had signed it, unless the
neral Assembly, by their adjournment, prevent its return, in which case it
all be a law, unless he shall file the same with his objections, in the office of
Secretary of the Commonwealth, and give notice thereof by public proclama-
n within thirty days after such adjournment.

SEC. 16. The Governor shall have power to disapprove of any item or
ms of any bill, making appropriations of money, embracing distinct items,
l the part or parts of the bill approved shall be the law, and the item or
ms of appropriation disapproved shall be void, unless repassed according to
rules and limitations prescribed for the passage of other bills over the
ecutive veto.

SEC. 17. The Chief Justice of the Supreme Court shall preside upon trial
any contested election of Governor or Lieutenant Governor and shall decide
estions regarding the admissibility of evidence, and shall, upon request of the
mmittee, pronounce his opinion upon other questions of law involved in the
al. The Governor and Lieutenant Governor shall exercise the duties of
ir respective offices until their successors shall be duly qualified.

[1]SEC. 18. The Secretary of the Commonwealth shall keep a record of all
cial acts and proceedings of the Governor, and when required lay the same,
th all papers, minutes and vouchers relating thereto, before either branch
the General Assembly, and perform such other duties as may be enjoined
on him by law.

SEC. 19. The Secretary of Internal Affairs shall exercise all the powers
l perform all the duties of the Surveyor General, subject to such changes
shall be made by law. His department shall embrace a bureau of industrial
tistics, and he shall discharge such duties relating to corporations, to the
ritable institutions, the agricultural, manufacturing, mining, mineral, timber
l other material or business interests of the State as may be prescribed by
v. He shall annually, and at such other times as may be required by law,
ke report to the General Assembly.

SEC. 20. The Superintendent of Public Instruction shall exercise all the
wers and perform all the duties of the Superintendent of Common Schools,
bject to such changes as shall be made by law.

[1]SEC. 21. The terms of the Secretary of Internal Affairs, the Auditor Gen-
l, and the State Treasurer shall each be four years; and they shall be chosen
the qualified electors of the State at general elections; but a State Treasurer,
cted in the year one thousand nine hundred and nine, shall serve for three
rs, and his successors shall be elected at the general election in the year one
ousand nine hundred and twelve, and in every fourth year thereafter. No
rson elected to the office of Auditor General or State Treasurer shall be
gible of holding the same office for two consecutive terms.[4]

[4] Amendment proposed and adopted by the legislature of 1907, re-adopted by the
islature of 1909, and ratified on Nov. 2, 1909.

SEC. 22. The present Great Seal of Pennsylvania shall be the seal of t State. All commissions shall be in the name and by authority of the Commo wealth of Pennsylvania, and be sealed with the State seal and signed by t Governor.

ARTICLE V.

THE JUDICIARY.

SECTION 1. The judicial power of this Commonwealth shall be vested in Supreme Court, in courts of common pleas, courts of oyer and terminer a general jail delivery, courts of quarter sessions of the peace, orphans' cour magistrates' courts, and in such other courts as the General Assembly m from time to time establish.

SEC. 2. The Supreme Court shall consist of seven judges, who shall elected by the qualified electors of the State at large. They shall hold the offices for the term of twenty-one years, if they so long behave themselves we but shall not be again eligible. The judge whose commission shall first expi shall be chief justice, and thereafter each judge whose commission shall fi expire shall in turn be chief justice.

SEC. 3. The jurisdiction of the Supreme Court shall extend over the Sta and the judges thereof shall, by virtue of their offices, be justices of oyer a terminer and general jail delivery in the several counties; they shall have or inal jurisdiction in cases of injunction where a corporation is a party defendar of habeas corpus, of mandamus to courts of inferior jurisdiction, and of q warranto as to all officers of the Commonwealth whose jurisdiction exten over the State, but shall not exercise any other original jurisdiction; they sh have appellate jurisdiction by appeal, certiorari or writ of error in all cas as is now or may hereafter be provided by law.

SEC. 4. Until otherwise directed by law, the courts of common pleas sh continue as at present established, except as herein changed; not more th four counties shall, at any time, be included in one judicial district organiz for said courts.

SEC. 5. Whenever a county shall contain forty thousand inhabitants shall constitute a separate judicial district, and shall elect one judge learned the law; and the General Assembly shall provide for additional judges, as t business of the said districts may require. Counties containing a populati less than is sufficient to constitute separate districts shall be formed into co venient single districts, or, if necessary, may be attached to contiguous d tricts as the General Assembly may provide. The office of associate judge, learned in the law, is abolished in counties forming separate districts; l the several associate judges in office when this Constitution shall be adopt shall serve for their unexpired terms.

SEC. 6. In the county of Philadelphia all the jurisdiction and powers n vested in the district courts and courts of common pleas, subject to su changes as may be made by this Constitution or by law, shall be in Philadelp vested in five distinct and separate courts of equal and co-ordinate jurisd tion, composed of three judges each. The said courts in Philadelphia shall designated respectively as the court of common pleas number one, number t number three, number four, and number five, but the number of said cou may be by law increased, from time to time, and shall be in like manner de nated by successive numbers. The number of judges in any of said courts, in any county where the establishment of an additional court may be autl ized by law, may be increased, from time to time, and whenever such incre shall amount in the whole to three, such three judges shall compose a distri and separate court as aforesaid, which shall be numbered as aforesaid. Philadelphia all suits shall be instituted in the said courts of common pl without designating the number of the said court, and the several courts sh distribute and apportion the business among them in such manner as shall provided by rules of court, and each court, to which any suit shall be thus signed, shall have exclusive jurisdiction thereof, subject to change of venue, shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption.[5]

SEC. 7. For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said courts; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

SEC. 8. The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of oyer and terminer and the courts of quarter sessions of the peace of said counties, in such manner as may be directed by law.

SEC. 9. Judges of the courts of common pleas learned in the law shall be judges of the courts of oyer and terminer, quarter sessions of the peace and general jail delivery, and of the orphans' court, and within their respective districts shall be justices of the peace as to criminal matters.

SEC. 10. The judges of the courts of common pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceedings to be brought before them, and right and justice to be done.

SEC. 11. Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.[6]

SEC. 12. In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.[7]

[5] Amendment proposed and adopted by the legislature of 1909, re-adopted by the legislature of 1911, and ratified on Nov. 7, 1911.

[6] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified on Nov. 2, 1909.

[7] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified on Nov. 2, 1909.

SEC. 13. All fees, fines and penalties in said courts shall be paid into the county treasury.

SEC. 14. In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record either party may appeal to such court of record as may be prescribed by law upon allowance of the appellate court or judge thereof upon cause shown.

SEC. 15. All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

SEC. 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

SEC. 17. Should any two or more judges of the Supreme Court, or any two or more judges of the court of common pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor, who shall issue their commissions in accordance therewith.

SEC. 18. The judges of the Supreme Court and the judges of the several courts of common pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services from any source, nor hold any other office of profit under the United States, this State or any other State.

SEC. 19. The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges, during their continuance in office, shall reside within the districts for which they shall be respectively elected.

SEC. 20. The several courts of common pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of common pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

SEC. 21. No duties shall be imposed by law upon the Supreme Court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of nisi prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

SEC. 22. In every county wherein the population shall exceed one hundred and fifty thousand, the General Assembly shall, and in any other county may, establish a separate orphans' court, to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and power now vested in or which may hereafter be conferred upon the orphans' court, and thereupon the jurisdiction of the judges of the court of common pleas within such county, in orphans' court proceedings, shall cease and determine. In any county in which a separate orphans' court shall be established, the register of wills shall be clerk of such court and subject to its directions, in all matters pertaining to his office; he may appoint assistant clerks, but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate orphans' court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county orphans' courts shall possess all the powers and jurisdiction of a registers' court, and separate registers' courts are hereby abolished.

SEC. 23. The style of all process shall be "The Commonwealth of Pennsy

ania." All prosecutions shall be carried on in the name and by the authority of he Commonwealth of Pennsylvania, and conclude "against the peace and lignity of the same."

SEC. 24. In all cases of felonious homicide, and in such other criminal ases as may be provided for by law, the accused after conviction and sentence nay remove the indictment, record and all proceedings to the Supreme Court or review.

SEC. 25. Any vacancy happening by death, resignation or otherwise, in any ourt of record, shall be filled by appointment by the Governor, to continue till he first Monday of January next succeeding the first general election which hall occur three or more months after the happening of such vacancy.[8]

SEC. 26. All laws relating to courts shall be general and of uniform opera- ion, and the organization, jurisdiction and powers of all courts of the same lass or grade, so far as regulated by law, and the force and effect of the process nd judgments of such courts, shall be uniform; and the General Assembly is ereby prohibited from creating other courts to exercise the powers vested y this constitution in the judges of the courts of common pleas and orphans' ourts.

SEC. 27. The parties, by agreement filed, may in any civil case dispense ith trial by jury, and submit the decision of such case to the court having urisdiction thereof, and such court shall hear and determine the same; and the udgment thereon shall be subject to writ of error as in other cases.

ARTICLE VI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of mpeachment.

SEC. 2. All impeachments shall be tried by the Senate; when sitting for hat purpose the Senators shall be upon oath or affirmation; no person shall be onvicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor and all other civil officers shall be liable to impeach- ment for any misdemeanor in office, but judgment in such cases shall not extend urther than to removal from office and disqualification to hold any office of rust or profit under this Commonwealth; the person accused, whether con- icted or acquitted, shall nevertheless be liable to indictment, trial, judgment nd punishment according to law.

SEC. 4. All officers shall hold their offices on the condition that they be- ave themselves well while in office, and shall be removed on conviction of isbehavior in office or of any infamous crime. Appointed officers, other than udges of the courts of record and the Superintendent of Public Instruction, ay be removed at the pleasure of the power by which they shall have been ppointed. All officers elected by the people, except Governor, Lieutenant overnor, members of the General Assembly and judges of the courts of record arned in the law, shall be removed by the Governor for reasonable cause, fter due notice and full hearing, on the address of two-thirds of the Senate.

ARTICLE VII.

OATH OF OFFICE.

SECTION 1. Senators and Representatives and all judicial State and county fficers shall, before entering on the duties of their respective offices, take and ubscribe the following oath or affirmation: "I do solemnly swear (or affirm) hat I will support, obey and defend the Constitution of the United States, and he Constitution of this Commonwealth, and that I will discharge the duties of ny office with fidelity; that I have not paid or contributed, or promised to pay r contribute, either directly or indirectly, any money or other valuable thing, o procure my nomination or election (or appointment), except for necessary nd proper expenses expressly authorized by law; that I have not knowingly iolated any election law of this Commonwealth, or procured it to be done by

[8] There is a conflict between this section and section 8 of Article IV relative to ling vacancies.

others in my behalf; that I will not knowingly receive, directly or indirect any money or other valuable thing for the performance of non-performance any act or duty pertaining to my office, other than the compensation allowed law."

The foregoing oath shall be administered by some person authorized administer oaths, and in the case of State officers and judges of the Supre Court, shall be filed in the office of the Secretary of the Commonwealth, a in the case of other judicial and county officers, in the office of the prothonot of the county in which the same is taken; any person refusing to take s oath or affirmation shall forfeit his office; and any person who shall be c victed of having sworn or affirmed falsely, or of having violated said oath affirmation, shall be guilty of perjury, and be forever disqualified from hold any office of trust or profit within this Commonwealth. The oath to the m bers of the Senate and House of Representatives shall be administered by of the judges of the Supreme Court or of a court of common pleas, learned the law, in the hall of the House to which the members shall be elected.

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

SECTION 1. Every male citizen of twenty-one years of age, possessing following qualifications, shall be entitled to vote at all elections, subject h ever to such laws requiring and regulating the registration of electors as General Assembly may enact:

1. He shall have been a citizen of the United States at least one month
2. He shall have resided in the State one year (or, having previously b a qualified elector or native born citizen of the State, he shall have remo therefrom and returned, then six months), immediately preceding the elect
3. He shall have resided in the election district where he shall offer vote at least two months immediately preceding the election.
4. If twenty-two years of age and upwards, he shall have paid within years a State or county tax, which shall have been assessed at least two mo and paid at least one month before the election.[9]

SEC. 2. The general election shall be held biennially on the Tuesday following the first Monday of November in each even-numbered year, but General Assembly may by law fix a diferent day, two-thirds of all the m bers of each House consenting thereto: Provided, That such election s always be held in an even-numbered year.[10]

SEC. 3. All judges elected by the electors of the State at large may elected at either a general or municipal election, as circumstances may requ All elections for judges of the courts for the several judicial districts, and county, city, ward, borough, and township officers, for regular terms of serv shall be held on the municipal election day; namely, the Tuesday next follow the first Monday of November in each odd-numbered year, but the Gen Assembly may by law fix a different day, two-thirds of all the members of House consenting thereto: Provided, That such elections shall be held in odd-numbered year: Provided further, That all judges for the courts of several judicial districts holding office at the present time, whose terms of may end in an odd-numbered year, shall continue to hold their offices until first Monday of January in the next succeeding even-numbered year.[11]

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[9] Amendment proposed and adopted by the legislature of 1899, re-adopted by legislature of 1901, and ratified on Nov. 5, 1901.

[10] Amendment proposed and adopted by the legislature of 1907, re-adopted by legislature of 1909, and ratified on Nov. 2, 1909.

[11] Section 3 has been amended twice; the first amendment was proposed adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ra on Nov. 2, 1909; the present amendment was proposed and adopted by the legisla of 1911, re-adopted by the legislature of 1913 and ratified on Nov. 4, 1913. The of the amendment of 1909 is as follows: Section 3. All judges elected by the tors of the State at large may be elected at either a general or municipal electio circumstances may require. All elections for judges of the courts for the se judicial districts, and for county, city, ward, borough, and township officers, for r lar terms of service, shall be held on the municipal election day; namely, the Tue

SEC. 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.[12]

SEC. 5. Electors shall in all cases except treason, felony and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

SEC. 6. Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States, or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

SEC. 7. All laws regulating the holding of elections by the citizens or for the registration of electors shall be uniform throughout the State, but laws regulating and requiring the registration of electors may be enacted to apply to cities only, providing that such laws be uniform for cities of the same class.[13]

SEC. 8. Any person, who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

SEC. 9. Any person who shall, while a candidate for office, be guilty of bribery, fraud, or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

SEC. 10. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

SEC. 11. Townships, and wards of cities or boroughs, shall form or be divided into election districts of compact and contiguous territory, in such manner as the court of quarter sessions of the city or county in which the same are located may direct; but districts in cities of over one hundred thousand inhabitants shall be divided by the courts of quarter sessions, having jurisdiction therein, whenever at the next preceding election more than two hundred and fifty votes shall have been polled therein; and other election districts whenever the court of the proper county shall be of opinion that the convenience of the electors and the public interests will be promoted thereby.

SEC. 12. All elections by person in a representative capacity shall be viva voce.

SEC. 13. For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the high seas, nor while a student of any institu-

next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an odd-numbered year.

[12] Amendment proposed and adopted by the legislature of 1899, re-adopted by the legislature of 1901, and ratified on Nov. 5, 1901.

[13] Amendment proposed and adopted by the legislature of 1899, re-adopted by the legislature of 1901, and ratified on Nov. 5, 1901.

tion of learning, nor while kept in any poorhouse or other asylum at publi expense, nor while confined in public prison.

SEC. 14. District election boards shall consist of a judge and two inspe tors, who shall be chosen annually by the citizens. Each elector shall have th right to vote for the judge and one inspector, and each inspector shall appoi one clerk. The first election board for any new district shall be selected, an vacancies in election boards filled, as shall be provided by law. Election office shall be privileged from arrest upon days of election, and while engaged i making up and transmitting returns, except upon warrant of a court of reco or judge thereof, for an election fraud, for felony, or for wanton breach of th peace. In cities they may claim exemption from jury duty during their tern of service.

SEC. 15. No person shall be qualified to serve as an election officer wh shall hold, or shall within two months have held, any office, appointment employment in or under the government of the United States, or of this Stat or of any city, or county, or of any municipal board, commission or trust i any city, save only justices of the peace and aldermen, notaries public and pe sons in the militia service of the State; nor shall any election officer b eligible to any civil office to be filled at an election at which he shall serv save only to such subordinate municipal or local offices, below the grade city or county offices, as shall be designated by general law.

SEC. 16. The courts of common pleas of the several counties of the Com monwealth shall have power, within their respective jurisdictions, to appoi overseers of election to supervise the proceedings of election officers and t make report to the court as may be required; such appointments to be mad for any district in a city or county upon petition of five citizens, lawful voter of such election district, setting forth that such appointment is a reasonabl precaution to secure the purity and fairness of elections; overseers shall b two in number for an election district, shall be residents therein, and shall b persons qualified to serve upon election boards, and in each case members different political parties; whenever the members of an election board sha differ in opinion the overseers, if they shall be agreed thereon, shall decide th question of difference; in appointing overseers of election all the law judges the proper court, able to act at the time, shall concur in the appointments made

SEC. 17. The trial and determination of contested elections of electors President and Vice President, members of the General Assembly, and of a public officers, whether State, judicial, municipal or local, shall be by the court of law, or by one or more of the law judges thereof; the General Assembl shall, by general law, designate the courts and judges by whom the severa classes of election contests shall be tried, and regulate the manner of trial an all matters incident thereto; but no such law assigning jurisdiction, or regula ing its exercise, shall apply to any contest arising out of an election held befor its passage.

ARTICLE IX.

TAXATION AND FINANCE.

SECTION 1. All taxes shall be uniform, upon the same class of subjects, with in the territorial limits of the authority levying the tax, and shall be levied an collected under general laws; but the General Assembly may, by general laws exempt from taxation public property used for public purposes, actual place of religious worship, places of burial not used or held for private or corporat profit, and institutions of purely public charity.

SEC. 2. All laws exempting property from taxation, other than the propert above enumerated, shall be void.

SEC. 3. The power to tax corporations and corporate property shall no be surrendered or suspended by any contract or grant to which the State shal be a party.

SEC. 4. No debt shall be created by or on behalf of the State, except t

supply casual deficiencies of revenue, repel invasions, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million of dollars.

SEC. 5. All laws authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

SEC. 6. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

SEC. 7. The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

SEC. 8. The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as herein provided, shall never exceed seven per centum upon the assessed value of the taxable property therein, nor shall any such municipality or district incur any debt, or increase its indebtedness to an amount exceeding two per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law; but any city, the debt of which on the first day of January, one thousand eight hundred and seventy-four, exceeded seven per centum of such assessed valuation, and has not since been reduced to less than such per centum, may be authorized by law to increase the same three per centum in the aggregate, at any one time, upon such valuation. The city of Philadelphia, upon the conditions hereinafter set forth, may increase its indebtedness to the extent of three per centum in excess of seven per centum upon such assessed valuation for the specific purpose of providing for all or any of the following purposes, to wit: For the construction and improvement of subways, tunnels, railways, elevated railways, and other transit facilities; for the construction and improvement of wharves and docks and for the reclamation of land to be used in the construction of wharves and docks, owned or to be owned by said city. Such increase, however, shall only be made with the assent of the electors thereof at a public election, to be held in such manner as shall be provided by law. In ascertaining the borrowing capacity of said city of Philadelphia, at any time, there shall be excluded from the calculation a credit, where the work resulting from any previous expenditure, for any one or more of the specific purposes hereinabove enumerated shall be yielding to said city an annual current net revenue; the amount of which credit shall be ascertained by capitalizing the annual net revenue during the year immediately preceding the time of such ascertainment. Such capitalization shall be accomplished by ascertaining the principal amount which would yield such annual, current net revenue, at the average rate of interest, and sinking-fund charges payable upon the indebtedness incurred by said city for such purposes, up to the time of such ascertainment. The method of determining such amount, so to be excluded or allowed as a credit, may be prescribed by the General Assembly.

In incurring indebtedness for any one or more of said purposes of construction, improvement, or reclamation, the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking-fund sufficient to retire said obligation at maturity, the payments to such sinking-fund to be in equal or graded annual instalments. Such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking-fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking-fund charges, as required by section ten of article

nine of the Constitution of Pennsylvania, until the expiration of said period o one year after the completion of such work.[14]

SEC. 9. The Commonwealth shall not assume the debt, or any part thereo of any city, county, borough or township, unless such debt shall have been co tracted to enable the State to repel invasion, suppress domestic insurrectio defend itself in time of war, or to assist the State in the discharge of any po tion of its present indebtedness.

SEC. 10. Any county, township, school district or other municipality i curring any indebtedness shall, at or before the time of so doing, provide for th collection of an annual tax sufficient to pay the interest and also the pri cipal thereof within thirty years.

SEC. 11. To provide for the payment of the present State debt, and an additional debt contracted as aforesaid, the General Assembly shall continu and maintain the sinking fund, sufficient to pay the accruing interest on suc debt, and annually to reduce the principal thereof by a sum not less tha two hundred and fifty thousand dollars; the said sinking fund shall consis of the proceeds of the sales of the public works or any part thereof, and o the income or proceeds of the sale of any stocks owned by the Commonwealth together with other funds and resources that may be designated by law, an shall be increased from time to time by assigning to it any part of the taxes o other revenues of the State not required for the ordinary and current expense of government; and unless in case of war, invasion or insurrection, no pa of the said sinking fund shall be used or applied otherwise than in th extinguishment of the public debt.

SEC. 12. The moneys of the State, over and above the necessary re serve, shall be used in the payment of the debt of the State, either directl or through the sinking fund, and the moneys of the sinking fund sha never be invested in or loaned upon the security of anything except th bonds of the United States or of this State.

SEC. 13. The moneys held as necessary reserve shall be limited by la to the amount required for current expenses, and shall be secured and kep as may be provided by law. Monthly statements shall be published show ing the amount of such moneys, where the same are deposited, and ho secured.

SEC. 14. The making of profit out of the public moneys or using the sam for any purpose not authorized by law by any officer of the State, or mem ber or officer of the General Assembly, shall be a misdemeanor and sha be punished as may be provided by law, but part of such punishment sha be disqualification to hold office for a period of not less than five years.

SEC. 15. No obligations which have been heretofore issued, or which ma hereafter be issued, by any county or municipality, other than Philadelphia, t provide for the construction or acquisition of waterworks, subways, under

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[14] Section 8 has been amended twice; the first amendment was proposed and adop ed by the legislature of 1909, re-adopted by the legislature of 1911, and ratified at th election of Nov. 7, 1911; the present amendment was proposed and adopted by the leg islature of 1913, re-adopted by the legislature of 1915, and ratified at the election Nov. 2, 1915. The text of the amendment of 1911 is as follows: Section 8. The de of any county, city, borough, township, school district, or other municipality or inco porated district, except as herein provided, shall never exceed seven per centum upo the assessed value of the taxable property therein, nor shall any such municipality district incur any new debt, or increase its indebtedness to an amount exceeding tw per centum upon such assessed valuation of property, without the assent of the electo thereof at a public election in such manner as shall be provided by law; but any cit the debt of which now exceeds seven per centum of such assessed valuation, may authorized by law to increase the same three per centum in the aggregate, at any o time, upon such valuation, except that any debt or debts hereinafter incurred by th city and county of Philadelphia for the construction and development of subways f transit purposes, or for the construction of wharves and docks, or the reclamation land to be used in the construction of a system of wharves and docks, as public i provements, owned or to be owned by said city and county of Philadelphia, and whic shall yield to the city and county of Philadelphia current net revenue in excess of th interest on said debt or debts, and of the annual installments necessary for the ca cellation of said debt or debts, may be excluded in ascertaining the power of the ci and county of Philadelphia to become otherwise indebted: Provided, That a sinkin fund for their cancellation shall be established and maintained.

ground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking-fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking-fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking-fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall be provided by law.[15]

ARTICLE X.

EDUCATION.

SECTION 1. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

SEC. 2. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

SEC. 3. Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

ARTICLE XI.

MILITIA.

SECTION 1. The freemen of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the Treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

ARTICLE XII.

PUBLIC OFFICERS.

SECTION 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law: Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.[16]

SEC. 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to

[15] Section 15 is a new section; it was proposed and adopted by the legislature of 1911, re-adopted by the legislature of 1913, and ratified at the election of Nov. 4, 1913.

[16] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified at the election of Nov. 2, 1909.

which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

SEC. 3. Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

ARTICLE XIII.

NEW COUNTIES.

SECTION 1. No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

ARTICLE XIV.

COUNTY OFFICERS.

SECTION 1. County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no sheriff or treasurer shall be eligible for the term next succeeding the one for which he may be elected.

SEC. 2. County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for shall be filled in such manner as may be provided by law,[17]

SEC. 3. No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

SEC. 4. Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

SEC. 5. The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

SEC. 6. The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them as for all public or municipal moneys which may be paid to them.

SEC. 7. Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county

[17] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified at the election of Nov. 2, 1909.

who shall have voted for the commissioner or auditor whose place is to be filled.[18]

ARTICLE XV.

CITIES AND CITY CHARTERS.

SECTION 1. Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general election in favor of the same.

SEC. 2. No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefor by the municipal government.

SEC. 3. Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

ARTICLE XVI.

PRIVATE CORPORATIONS.

SECTION 1. All existing charters, or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 3. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 4. In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 5. No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 6. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 7. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, first obtained at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

[18] Amendment proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909, and ratified at the election of Nov. 2, 1909.

SEC. 9. Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

SEC. 10. The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revokable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

SEC. 11. No corporate body to possess banking and discounting privileges shall be created or organized in pursuance of any law without three months' previous public notice, at the place of the intended location, of the intention to apply for such privileges, in such manner as shall be prescribed by law, nor shall a charter for such privilege be granted for a longer period than twenty years.

SEC. 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

SEC. 13. The term "corporations," as used in this article, shall be construed to include all joint-stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

ARTICLE XVII.

RAILROADS AND CANALS.

SECTION 1. All railroads and canals shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars loaded or empty, without delay or discrimination.

SEC. 2. Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

SEC. 3. All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State or coming from or going to any other State; Persons and property transported over any railroad shall be delivered at any station at charges not exceeding the charges for transportation of persons and property of the same class in the same direction to any more distant station; but excursion and commutation tickets may be issued at special rates.

SEC. 4. No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line

nor shall any officer of such railroad or canal corporation act as an officer of any other railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

SEC. 5. No incorporated company doing the business of a common carrier shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company directly or indirectly engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

SEC. 6. No president, director, officer, agent or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

SEC. 7. No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employee thereof, shall make any preferences in furnishing cars or motive power.

SEC. 8. No railroad, railway or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employees of the company.

SEC. 9. No street passenger railway shall be constructed within the limits of any city, borough or township, without the consent of its local authorities.

SEC. 10. No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

SEC. 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

SEC. 12. The General Assembly shall enforce by appropriate legislation the provisions of this article.

ARTICLE XVIII.

FUTURE AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe;

and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

[ARTICLE XIX.]

REGISTRATION OF LAND TITLES.

[SECTION 1.] Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the State, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured, and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the Legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the Legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring, and guaranteeing, such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties.[19]

SCHEDULE FOR THE CONSTITUTION.

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared, that:

SECTION 1. This Constitution shall take effect on the first day of January, in the year one thousand eight hundred and seventy-four, for all purposes not otherwise provided for therein.

SEC. 2. All laws in force in this Commonwealth at the time of the adoption of this Constitution, not inconsistent therewith, and all rights, actions, prosecutions and contracts, shall continue as if this Constitution had not been adopted.

SEC. 3. At the general election in the years one thousand eight hundred and seventy-four and one thousand eight hundred seventy-five Senators shall be elected in all districts where there shall be vacancies. Those elected in the year one thousand eight hundred and seventy-four shall serve for two years, and those elected in the year one thousand eight hundred and seventy-five shall serve for one year. Senators now elected and those whose terms are unexpired shall represent the districts in which they reside until the end of the terms for which they were elected.

SEC. 4. At the general election in the year one thousand eight hundred and seventy-six, Senators shall be elected from even numbered districts to serve for two years, and from odd numbered districts to serve for four years.

SEC. 5. The first election of Governor under this Constitution shall be at the general election in the year one thousand eight hundred and seventy-five, when a Governor shall be elected for three years; and the term of the Governor elected in the year one thousand eight hundred and seventy-eight and of those thereafter elected shall be for four years, according to the provisions of this Constitution.

SEC. 6. At the general election in the year one thousand eight hundred and seventy-four a Lieutenant Governor shall be elected according to the provisions of this Constitution.

[19] [Article XIX] is a new article; it was proposed and adopted by the legislature of 1913, re-adopted by the legislature of 1915 and ratified at the election of Nov. 2, 1915. No article or section number was assigned to this amendment and it has been placed here for convenience.

SEC. 7. The Secretary of Internal Affairs shall be elected at the first general election after the adoption of this Constitution; and, when the said officer shall be duly elected and qualified, the office of Surveyor General shall be abolished. The Surveyor General in office at the time of the adoption of this Constitution shall continue in office until the expiration of the term for which he was elected.

SEC. 8. When the Superintendent of Public Instruction shall be duly qualified the office of Superintendent of Common Schools shall cease.

SEC. 9. Nothing contained in this Constitution shall be construed to render any person now holding any State office for a first official term ineligible for re-election at the end of such term.

SEC. 10. The judges of the Supreme Court in office when this Constitution shall take effect shall continue until their commissions severally expire. Two judges in addition to the number now composing the said court shall be elected at the first general election after the adoption of this Constitution.

SEC. 11. All courts of record and all existing courts which are not specified in this Constitution shall continue in existence until the first day of December, in the year one thousand eight hundred and seventy-five, without abridgment of their present jurisdiction, but no longer. The court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin is hereby abolished, and all causes and proceedings pending therein in the county of Schuylkill shall be tried and disposed of in the courts of oyer and terminer and quarter sessions of the peace of said county.

SEC. 12. The registers' courts now in existence shall be abolished on the first day of January next succeeding the adoption of this Constitution.

SEC. 13. The General Assembly shall, at the next session after the adoption of this Constitution, designate the several judicial districts as required by this Constitution. The judges in commission when such designation shall be made shall continue during their unexpired terms judges of the new districts in which they reside; but, when there shall be two judges residing in the same district, the president judge shall elect to which district he shall be assigned, and the additional law judge shall be assigned to the other district.

SEC. 14. The General Assembly shall, at the next succeeding session after each decennial census and not oftener, designate the several judicial districts as required by this Constitution.

SEC. 15. Judges learned in the law of any court of record holding commissions in force at the adoption of this Constitution shall hold their respective offices until the expiration of the terms for which they were commissioned, and until their successors shall be duly qualified. The Governor shall commission the president judge of the court of first criminal jurisdiction for the counties of Schuylkill, Lebanon and Dauphin as a judge of the court of common pleas of Schuylkill county, for the unexpired term of his office.

SEC. 16. After the expiration of the term of any president judge of any court of common pleas, in commission at the adoption of this Constitution, the judge of such court learned in the law and oldest in commission shall be the president judge thereof; and when two or more judges are elected at the same time in any judicial district they shall decide by lot which shall be president judge; but when a president judge of a court shall be re-elected he shall continue to be president judge of that court. Associate judges not learned in the law, elected after the adoption of this Constitution, shall be commissioned to hold their offices for the term of five years from the first day of January next after their election.

SEC. 17. The General Assembly, at the first session after the adoption of this Constitution, shall fix and determine the compensation of the judges of the Supreme Court and of the judges of the several judicial districts of the Commonwealth; and the provisions of the fifteenth section of the article on legislation shall not be deemed inconsistent herewith. Nothing contained in this Constitution shall be held to reduce the compensation now paid to any law judge of this Commonwealth now in commission.

SEC. 18. The courts of common pleas in the counties of Philadelphia an Allegheny shall be composed of the present judges of the district court an court of common pleas of said counties until their offices shall severall end, and of such other judges as may from time to time be selected. Fo the purpose of first organization in Philadelphia the judges of the court num ber one shall be Judges Allison, Pierce and Paxson; of the court number tw Judges Hare, Mitchell and one other judge to be elected; of the court numb three, Judges Ludlow, Finletter and Lynd; and of the court number fou Judges Thayer, Briggs and one other judge to be elected. The judge fir named shall be the president judge of said courts respectively, and ther after the president judge shall be the judge oldest in commission; but an president judge re-elected in the same court or district, shall continue to b president judge thereof. The additional judges for courts numbers two an four shall be voted for and elected at the first general election after the ado tion of this Constitution, in the same manner as the two additional judg of the Supreme Court, and they shall decide by lot to which court they sha belong. Their term of office shall commence on the first Monday of Januar in the year one thousand eight hundred and seventy-five.

SEC. 19. In the county of Allegheny, for the purpose of first organizatio under this Constitution, the judges of the court of common pleas, at the tim of the adoption of this Constitution, shall be the judges of the court numb one, and the judges of the district court, at the same date, shall be the judg of the common pleas number two. The president judges of the common ple and district court shall be president judge of said courts numbers one an two respectively, until their offices shall end; and thereafter the judge olde in commission shall be president judge; but any president judge re-elect in the same court or district, shall continue to be president judge thereof.

SEC. 20. The organization of the courts of common pleas under this Co stitution for the counties of Philadelphia and Allegheny shall take effect the first Monday of January, one thousand eight hundred and seventy-fiv and existing courts in said counties shall continue with their present powe and jurisdiction until that date, but no new suits shall be instituted in t courts of nisi prius after the adoption of this Constitution.

SEC. 21. The causes and proceedings pending in the court of nisi pri court of common pleas, and district court in Philadelphia shall be tried a disposed of in the court of common pleas. The records and dockets of s courts shall be transferred to the prothonotary's office of said county.

SEC. 22. The causes and proceedings pending in the court of common ple in the county of Allegheny shall be tried and disposed of in the court nu ber one; and the causes and proceedings pending in the district court sh be tried and disposed of in the court number two.

SEC. 23. The prothonotary of the court of common pleas of Philadelph shall be first appointed by the judges of said court on the first Monday December in the year one thousand eight hundred and seventy-five, and t present prothonotary of the district court in said county shall be the proth otary of the said court of common pleas until said date when his comm sion shall expire, and the present clerk of the court of oyer and terminer quarter sessions of the peace in Philadelphia shall be the clerk of such co until the expiration of his present commission on the first Monday of cember, in the year one thousand eight hundred and seventy-five.

SEC. 24. In cities containing over fifty thousand inhabitants, except Ph delphia, all aldermen in office at the time of the adoption of this Constitu shall continue in office until the expiration of their commissions, and at election for city and ward officers in the year one thousand eight hund and seventy-five one alderman shall be elected in each ward as provided this Constitution.

SEC. 25. In Philadelphia magistrates in lieu of aldermen shall be cho as required in this Constitution, at the election in said city for city and w officers in the year one thousand eight hundred and seventy-five; their t of office shall commence on the first Monday of April succeeding their elect

The terms of office of aldermen in said city holding or entitled to commissions at the time of the adoption of this Constitution shall not be affected thereby.

SEC. 26. All persons in office in this Commonwealth at the time of the adoption of this Constitution, and at the first election under it, shall hold their respective offices until the term for which they have been elected or appointed shall expire, and until their successors shall be duly qualified, unless otherwise provided in this Constitution.

SEC. 27. The seventh article of this Constitution prescribing an oath of office shall take effect on and after the first day of January, one thousand eight hundred and seventy-five.

SEC. 28. The terms of office of county commissioners and county auditors, chosen prior to the year one thousand eight hundred and seventy-five, which shall not have expired before the first Monday of January, in the year one thousand eight hundred and seventy-six, shall expire on that day.

SEC. 29. All State, county, city, ward, borough and township officers in office at the time of the adoption of this Constitution, whose compensation is not provided for by salaries alone, shall continue to receive the compensation allowed them by law until the expiration of their respective terms of office.

SEC. 30. All State and judicial officers heretofore elected, sworn, or affirmed, or in office when this Constitution shall take effect, shall severally, within one month after such adoption, take and subscribe an oath, or affirmation, to support this Constitution.

SEC. 31. The General Assembly at its first session, or as soon as may be after the adoption of this Constitution, shall pass such laws as may be necessary to carry the same into full force and effect.

SEC. 32. The ordinance passed by this Convention, entitled "An ordinance for submitting the amended Constitution of Pennsylvania to a vote of the electors thereof," shall be held to be valid for all the purposes thereof.

SEC. 33. The words "county commissioners," whenever used in this Constitution and in any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia.

Adopted at Philadelphia, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-three.

JNO. H. WALKER,
President.

D. L. IMBRIE,
Ch. Clerk.

SCHEDULE FOR THE AMENDMENTS.[20]

That no inconvenience may arise from the changes in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is hereby declared that—

In the case of officers elected by the people, all terms of office fixed by act of Assembly at an odd number of years shall each be lengthened one year, but the Legislature may change the length of the term, provided the terms for which such officers are elected shall always be for an even number of years.

The above extension of official terms shall not affect officers elected at the general election of one thousand nine hundred and eight; nor any city, ward, borough, township, or election division officers, whose terms of office, under existing law, end in the year one thousand nine hundred and ten.

In the year one thousand nine hundred and ten the municipal election shall be held on the third Tuesday of February as heretofore; but all officers chosen at that election to an office the regular term of which is two years,

[20] Schedule designed to accompany the amendments of 1909; proposed and adopted by the legislature of 1907, re-adopted by the legislature of 1909 and ratified on Nov. 2, 1909.

and also all election officers and assessors chosen at that election, shall serve until the first Monday of December in the year one thousand nine hundred and eleven. All officers chosen at that election to offices the term of which is now four years, or is made four years by the operation of these amendments or this schedule, shall serve until the first Monday of December in the year one thousand nine hundred and thirteen. All justices of the peace, magistrates, and aldermen, chosen at that election, shall serve until the first Monday of December in the year one thousand nine hundred and fifteen. After the year nineteen hundred and ten, and until the Legislature shall otherwise provide, all terms of city, ward, borough, township, and election division officers shall begin on the first Monday of December in an odd-numbered year.

All city, ward, borough, and township officers holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of December of that year.

All judges of the courts for the several judicial districts, and also all county officers, holding office at the date of the approval of these amendments, whose terms of office may end in the year one thousand nine hundred and eleven, shall continue to hold their offices until the first Monday of January, one thousand nine hundred and twelve.

CONSTITUTION OF RHODE ISLAND—1842.*

We, the people of the State of Rhode Island and Providence Plantations, rateful to Almighty God for the civil and religious liberty which He hath long permitted us to enjoy, and looking to Him for a blessing upon our ndeavors to secure and to transmit the same unimpaired to succeeding genrations, do ordain and establish this constitution of government.

ARTICLE I.

DECLARATION OF CERTAIN CONSTITUTIONAL RIGHTS AND PRINCIPLES.

In order effectually to secure the religious and political freedom estabshed by our venerated ancestors, and to preserve the same for our posterity, e do declare that the essential and unquestionable rights and principles reinafter mentioned shall be established, maintained and preserved, and all be of paramount obligation in all legislative, judicial and executive proedings.

SECTION 1. In the words of the Father of his County, we declare, that he basis of our political systems is the right of the people to make and lter their constitutions of government; but that the constitution which at ny time exists, till changed by an explicit and authentic act of the whole eople, is sacredly obligatory upon all."

SEC. 2. All free governments are instituted for the protection, safety and appiness of the people. All laws, therefore, should be made for the good of he whole; and the burdens of the state ought to be fairly distributed among s citizens.

SEC. 3. Whereas, Almighty God hath created the mind free; and all atempts to influence it by temporal punishments or burdens, or by civil incaacitations, tend to beget habits of hypocrisy and meanness; and whereas a rincipal object of our venerable ancestors, in their migration to this country nd their settlement of this state, was, as they expressed it, to hold forth a ively experiment, that a flourishing civil state may stand and be best mainined with full liberty in religious concernments; we, therefore, declare that o man shall be compelled to frequent or to support any religious worship, ace, or ministry whatever, except in fulfillment of his own voluntary conract; nor enforced, restrained, molested, or burdened in his body or goods;

*Prior to 1842, the organic law of Rhode Island was the Charter of 1663. The rovisions of this instrument relative to suffrage and apportionment had grown parcularly anachronistic. The movement for constitutional reform was led by Thomas . Dorr, and expressed itself in the so-called Dorr Rebellion. Through the efforts f the suffragists, as Dorr's partisans were called, a People's Convention was conoked and assembled at Providence on October 4, 1841, and adjourned on November , 1841, after having drafted a constitution. The proposed constitution was subitted to a vote of the people on December 27, 28 and 29. All told, 4,960 freemen and 984 non-freemen voted on the constitution. On January 12, 1842, the People's Conention reconvened to canvass the returns. The convention estimated the number of ult males of the state qualified to vote under the People's Constitution at 23,142; e count showed that the constitution had been ratified by a decisive popular majority. he final act of the convention was to declare the constitution in force. In the eantime, the general assembly had called a convention which met on November 1, 841, remained in session two weeks, and adjourned until February, 1842. When this onvention reassembled, the general assembly had refused to recognize the People's onstitution, but it had determined that those whom the Freemen's Constitution might s terms enfranchise should be permitted to vote on the adoption of a constitution. ecordingly, the convention submitted a constitution, known as the Freemen's Constiution on February 19; the vote was taken on March 21, 22 and 23, and the proosed constitution was defeated by a majority of 676. In March, 1842, the supreme ourt unofficially announced that in its judgment the People's Constitution was illegal nd nonenforcible, and that no person had had any legal authority to vote on the roposition. During the same month, the general assembly enacted the so-called Algerine Law" which declared all elections conducted otherwise than under existing tatutes illegal and void. In November, 1842, after the force of the Dorr Rebellion ad spent itself, the Freemen's Constitution was re-submitted to the people and adopted, nd the government provided for by the new constitution was installed on May 3, 1843.

nor disqualified from holding any office; nor otherwise suffer on accou of his religious belief; and that every man shall be free to worship G according to the dictates of his own conscience, and to profess and by arg ment to maintain his opinion in matters of religion; and that the same sh in no wise diminish, enlarge, or affect his civil capacity.

SEC. 4. Slavery will not be permitted in this state.

SEC. 5. Every person within this state ought to find a certain remed by having recourse to the laws, for all injuries or wrongs which he may r ceive in his person, property, or character. He ought to obtain right a justice freely and without purchase, completely and without denial; prompt and without delay; conformably to the laws.

SEC. 6. The right of the people to be secure in their persons, papers a possessions, against unreasonable searches and seizures, shall not be violate and no warrant shall issue, but on complaint in writing, upon probable cau supported by oath or affirmation, and describing as nearly as may be, t place to be searched, and the persons or things to be seized.

SEC. 7. No person shall be held to answer for a capital or other inf mous crime, unless on presentment or indictment by a grand pury, except cases of impeachment, or of such offences as are cognizable by a justice of t peace; or in cases arising in the land or naval forces, or in the militia wh in actual service in time of war or public danger. No person shall, after acquittal, be tried for the same offence.

SEC. 8. Excessive bail shall not be required, nor excessive fines impos nor cruel punishments inflicted; and all punishments ought to be proportion to the offence.

SEC. 9. All persons imprisoned ought to be bailed by sufficient sure unless for offences punishable by death or by imprisonment for life, when t proof of guilt is evident or the presumption great. The privilege of the w of habeas corpus shall not be suspended, unless when in cases of rebelli or invasion the public safety shall require it; nor ever without the author of the general assembly.

SEC. 10. In all criminal prosecutions, the accused shall enjoy the rig to a speedy and public trial, by an impartial jury; to be informed of t nature and cause of the accusation, to be confronted with the witness against him, to have compulsory process for obtaining them in his favor, have the assistance of counsel in his defence, and shall be at liberty to spe for himself; nor shall he be deprived of life, liberty, or property, unless the judgment of his peers, or the law of the land.

SEC. 11. The person of a debtor, when there is not strong presumpti of fraud, ought not to be continued in prison, after he shall have deliver up his property for the benefit of his creditors, in such manner as shall prescribed by law.

SEC. 12. No ex post facto law, or law impairing the obligation of c tracts, shall be passed.

SEC. 13. No man in a court of common law shall be compelled to g evidence criminating himself.

SEC. 14. Every man being presumed innocent, until he is pronounc guilty by the law, no act of severity which is not necessary to secure accused person shall be permitted.

SEC. 15. The right of trial by jury shall remain inviolate.

SEC. 16. Private property shall not be taken for public uses, without j compensation.

SEC. 17. The people shall continue to enjoy and freely exercise all t rights of fishery, and the privileges of the shore, to which they have b heretofore entitled under the charter and usages of this state. But no n right is intended to be granted, nor any existing right impaired, by this dec ration.

SEC. 18. The military shall be held in strict subordination to the ci authority. And the law martial shall be used and exercised in such ca only as occasion shall necessarily require.

SEC. 19. No soldier shall be quartered in any house, in time of pea

without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

SEC. 20. The liberty of the press being essential to the security of freedom in a state, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

SEC. 21. The citizens have a right in a peaceable manner to assembly for their common good, and to apply to those invested with the powers of government, for redress of grievances, or for other purposes, by petition, address, or remonstrance.

SEC. 22. The right of the people to keep and bear arms shall not be infringed.

SEC. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

ARTICLE II.

OF THE QUALIFICATIONS OF ELECTORS.[1]

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee-simple, fee-tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers and on all questions in all legal town or ward meetings so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this state out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the general assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

SEC. 2. Every male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this state two years, and in the town or city in which he may offer to vote, six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this state, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay, at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made; or who, being so registered, has been enrolled in any military company in this state, and done military service or duly therein, within the present year, pursuant to law, and shall (until other proof is required by law)

[1] See Article IV of the Amendments, adopted in 1864, Article VI of the Amendments, adopted in 1886, and Article VII of the Amendments adopted in 1888

prove by the certificate of the officer legally commanding the regiment, chartered, or legally authorized volunteer company in which he may ha served or done duty, that he has been equipped and done duty according law, or by the certificate of the commissioners upon military claims, that has performed military service, shall have a right to vote in the electi of all civil officers, and on all questions in all legally organized town or wa meetings, until the end of the first year after the adoption of this constit tion, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residen herein required, and whose name shall be registered in the town where resides, on or before the last day of December, in the year next preced the time of his voting, and who shall show by legal proof, that he has and within the year next preceding the time he shall offer to vote, paid a tax taxes assessed against him in any town or city in this state, to the amou of one dollar, or that he has been enrolled in a military company in this sta been equipped and done duty therein according to law, and at least for o day during such year, shall have a right to vote in the election of all c officers, and on all questions, in all legally organized town or ward meetin Provided, that no person shall at any time be allowed to vote in the electi of the city council of the city of Providence, or upon any proposition to i pose a tax, or for the expenditure of moneys in any town or city, unless he sh within the year next preceding have paid a tax assessed upon his prope therein, valued at least at one hundred and thirty-four dollars.[2]

SEC. 3. The assessors of each town or city shall annually assess up every person whose name shall be registered a tax of one dollar, or such sum with his other taxes shall amount to one dollar, which registry tax shall paid into the treasury of such town or city, and be applied to the support public schools therein; but no compulsory process shall issue for t collection of any registry tax: Provided, that the registry tax every person who has performed military duty according to the p visions of the preceding section shall be remitted for the year shall perform such duty; and the registry tax assessed upon any marin for any year while he is at sea, shall, upon his application, be remitted; a no person shall be allowed to vote whose registry tax for either of the t years next preceding the time of voting is not paid or remitted as her provided.[2]

SEC. 4. No person in the military, naval, marine, or any other service the United States shall be considered as having the required residence reason of being employed in any garrison, barrack, or military or naval s tion in this state; and no pauper, lunatic, person non compos mentis, pers under guardianship, or member of the Narragansett tribe of Indians, shall permitted to be registered or to vote. Nor shall any person convicted bribery, or of any crime deemed infamous at common law, be permitted exercise that privilege, until he be expressly restored thereto by act of t general assembly.

SEC. 5. Persons residing on lands ceded by this state to the United Stat shall not be entitled to exercise the privilege of electors.

SEC. 6. The general assembly shall have full power to provide for registry of voters, to prescribe the manner of conducting the elections, t form of certificates, the nature of the evidence to be required in case of a d pute as to the right of any person to vote, and generally to enact all la necessary to carry this article into effect and to prevent abuse, corruption a fraud in voting.

ARTICLE III.

OF THE DISTRIBUTION OF POWERS.

The powers of the government shall be distributed into three depa ments: the legislative, executive, and judicial.

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[2]Sections 2 and 3 were annulled and superseded by sections 1 and 2 of Article V of the Amendments, adopted in 1888.

ARTICLE IV.

OF THE LEGISLATIVE POWER.

SECTION 1. This constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2. The legislative power, under this constitution, shall be vested in two houses, the one to be called the senate, the other the house of representatives; and both together the general assembly. The concurrence of the two houses shall be necessary to the enactment of laws. The style of their laws shall be, "It is enacted by the general assembly as follows:"

SEC. 3. There shall be two sessions of the general assembly holden annually; one at Newport, on the first Tuesday of May, for the purposes of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.[3]

SEC. 4. No member of the general assembly shall take any fee, or be of counsel in any case pending before either house of the general assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house of which he is a member.

SEC. 5. The person of every member of the general assembly shall be exempt from arrest, and his estate from attachment in any civil action, during the session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech in debate in either house, no member shall be questioned in any other place.

SEC. 6. Each house shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by such house or by law. The organization of the two houses may be regulated by law, subject to the limitations contained in this constitution.

SEC. 7. Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 8. Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journal.

SEC. 9. Neither house shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

SEC. 10. The general assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution.

SEC. 11. The senators and representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for traveling expenses in going to and returning from the general assembly. The general assembly shall regulate the compensation of the governor, and all other officers, subject to the limitations contained in this constitution.[4]

SEC. 12. All lotteries shall hereafter be prohibited in this state, except those already authorized by the general assembly.

SEC. 13. The general assembly shall have no power, hereafter, without the express consent of the people, to incur state debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall they in any case, without such consent, pledge the faith of the state for the payment of the obligations of others. This section shall

[3] Modified by Article III of the Amendments, adopted in 1854, and by Section 1, Article XI of the Amendments adopted in 1900.

[4] Section 11 was annulled by Article XI (Section 1) of the amendments, adopted in 1900.

not be construed to refer to any money that may be deposited with this state by the government of the United States.

SEC. 14. The assent of two-thirds of the members elected to each house of the general assembly shall be required to every bill appropriating the public money or property for local or private purposes.

SEC. 15. The general assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken before the first direct state tax, after the adoption of this constitution, shall be assessed.

SEC. 16. The general assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

SEC. 17. Hereafter, when any bill shall be presented to either house of the general assembly, to create a corporation for any other than for religious, literary, or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the general assembly shall have taken place, and such public notice of the pendency thereof shall be given as may be required by law.[5]

SEC. 18. It shall be the duty of the two houses, upon the request of either, to join in grand committee for the purpose of electing senators in congress, at such times and in such manner as may be prescribed by law for said elections.

ARTICLE V.

OF THE HOUSE OF REPRESENTATIVES.

SECTION 1. The house of representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one representative for a fraction exceeding half the ratio; but each town or city shall always be entitled to at least one member; and no town or city shall have more than one-sixth of the whole number of members to which the house is hereby limited. The present ratio shall be one representative to every fifteen hundred and thirty inhabitants, and the general assembly may, after any new census taken by the authority of the United States or of this state, reappointed the representation by altering the ratio; but no town or city shall be divided into districts for the choice of representatives.[6]

SEC. 2. The house of representatives shall have authority to elect its speaker, clerks and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the house.

ARTICLE VI.

OF THE SENATE.

SECTION 1. The senate shall consist of the lieutenant-governor and of one senator from each town or city in the state.

SEC. 2. The governor, and in his absence the lieutenant-governor, shall preside in the senate and grand committee. The presiding officer of the senate and grand committee shall have a right to vote in case of equal division, but not otherwise.[7]

SEC. 3. If, by reason of death, resignation, absence, or other cause, there be no governor or lieutenant-governor present, to preside in the senate, the senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the senate, the secretary of state shall preside.[7]

SEC. 4. The secretary of state shall, by virtue of his office, be secretary of

[5] Section 17 was annulled and superseded by Article IX of the Amendments, adopted in 1892.

[6] Section 1 was annulled and superseded by Article XIII of the Amendments, adopted in 1909.

[7] Sections 2 and 3 were annulled and superseded by Article XIV of the Amendments, adopted in 1909.

he senate, unless otherwise provided by law, and the senate may elect such her officers as they may deem necessary.[8]

ARTICLE VII.

OF THE EXECUTIVE POWER.

SECTION 1. The chief executive power of this state shall be vested in a overnor, who, together with a lieutenant-governor, shall be annually elected r the people.

SEC. 2. The governor shall take care that the laws be faithfully executed.

SEC. 3. He shall be captain-general and commander-in-chief of the militry and naval forces of this state, except when they shall be called into the ervice of the United States.

SEC. 4. He shall have power to grant reprieves after conviction, in all ases except those of impeachment until the end of the next session of the general assembly.[9]

SEC. 5. He may fill vacancies in office not otherwise provided for by this onstitution or by law, until the same shall be filled by the general assembly, or r the people.

SEC. 6. In case of disagreement between the two houses of the general ssembly, respecting the time or place of adjournment, certified to him by either, e may adjourn them to such time and place as he shall think proper: Provided, hat the time of adjournment shall not be extended beyond the day of the next ated session.

SEC. 7. He may, on extraordinary occasions, convene the general assembly any town or city in this state, at any time not provided for by law; and in ase of danger from the prevalence of epidemic or contagious disease, in the ace in which the general assembly are by law to meet, or to which they may ave been adjourned, or for other urgent reasons, he may by proclamation conene said assembly at any other place within this state.

SEC. 8. All commissions shall be in the name and by authority of the State Rhode Island and Providence Plantations; shall be sealed with the state eal, signed by the governor and attested by the secretary.

SEC. 9. In case of vacancy in the office of governor, or of his inability to erve, impeachment, or absence from the state, the lieutenant-governor shall l the office of governor, and exercise the powers and authority appertaining ereto, until a governor is qualified to act or until the office is filled at the ext annual election.

SEC. 10. If the offices of governor and lieutenant-governor be both vacant, reason of death, resignation, impeachment, absence, or otherwise, the person ntitled to preside over the senate for the time being shall in like manner l the office of governor during such absence or vacancy.

SEC. 11. The compensation of the governor and lieutenant-governor shall e established by law, and shall not be diminished during the term for which ey are elected.

SEC. 12. The duties and powers of the secretary, attorney-general, and neral treasurer, shall be the same under this constitution as are now estabshed, or as from time to time may be prescribed by law.

ARTICLE VIII.

OF ELECTIONS.

SECTION 1. The governor, lieutenant-governor, senators, representatives, ecretary of state, attorney-general and general treasurer, shall be ected at the town, city, or ward meetings, to be holden on the first Wednesay of April, annually; and shall severally hold their offices for one year, from e first Tuesday of May next succeeding, and until others are legally chosen, nd duly qualified to fill their places. If elected or qualified after the said first

[8] See Article XIV of the Amendments.
[9] See Article II of the Amendments, adopted in 1854.

Tuesday of May, they shall hold their offices for the remainder of the politic year, and until their successors are qualified to act.[10]

SEC. 2. The voting for governor, lieutenant-governor, secretary of stat attorney-general, general treasurer and representative to congress, shall be b ballot; senators and representatives to the general assembly, and town or ci officers, shall be chosen by ballot, on demand of any seven persons entitled t vote for the same; and in all cases where an election is made by ballot or pap vote, the manner of balloting shall be the same as is now required in voting fo general officers, until otherwise prescribed by law.

SEC. 3. The names of the persons voted for as governor, lieutenant-governo secretary of state, attorney-general and general treasurer shall be placed upo one ticket; and all votes for these officers shall, in open town or ward mee ings, be sealed up by the moderators and town clerks and by the warden an ward clerks, who shall certify the same and deliver or send them to the secr tary of state; whose duty it shall be securely to keep and deliver the same t the grand committee, after the organization of the two houses at the annua May session; and it shall be the duty of the two houses at said session, afte their organization, upon the request of either house, to join in grand committee, fo the purpose of counting and declaring said votes, and of electing other officers.

SEC. 4. The town and ward clerks shall also keep a correct list or regist of all persons voting for general officers, and shall transmit a copy thereof t the general assembly, on or before the first day of said May session.[11]

SEC. 5. The ballots for senators and representatives in the several town shall, in each case, after the polls are declared to be closed, be counted by th moderator, who shall announce the result, and the clerk shall give certificate to the persons elected. If, in any case, there be no election, the polls may b reopened, and the like proceedings shall be had until an election shall tak place: Provided, however, that an adjournment or adjournments of the ele tion may be made to a time not exceeding seven days from the first meetin

SEC. 6. In the city of Providence, the polls for senator and representative shall be kept open during the whole time of voting for the day, and the vote in the several wards shall be sealed up at the close of the meeting by th wardens and ward clerks in open ward meeting, and afterwards delivered to th city clerk. The mayor and aldermen shall proceed to count said votes within two days from the day of election; and if no election of senator and represen atives, or if an election of only a portion of the representatives shall have take place, the mayor and aldermen shall order a new election, to be held not mo than ten days from the day of the first election, and so on until the electio shall be completed. Certificates of election shall be furnished by the city cle to the persons chosen.

SEC. 7. If no person shall have a majority of votes for governor, it sha be the duty of the grand committee to elect one by ballot from the two pe sons having the highest number of votes for the office, except when such result is produced by rejecting the entire vote of any town, city, or ward, f informality or illegality, in which case a new election by the electors throug out the state shall be ordered; and in case no person shall have a majori of votes for lieutenant-governor, it shall be the duty of the grand committ to elect one by ballot from the two persons having the highest number of vot for the office.

SEC. 8. In case an election of the secretary of state, attorney-general, general treasurer, should fail to be made by the electors at the annual electi the vacancy or vacancies shall be filled by the general assembly in grand co mittee, from the two candidates for such office having the greatest number the votes of the electors. Or, in case of a vacancy in either of said offices fr other causes, between the sessions of the general assembly, the governor sh appoint some person to fill the same until a successor elected by the gener assembly is qualified to act; and in such case, and also in all other cases

[10] Sections 1-9 inclusive of this Article were annulled and superseded by Arti XI of the Amendments, adopted in 1900.

[11] Section 4 was superseded by Article I of the Amendments, adopted in 1854; s also, Article XI of the Amendments.

vacancies not otherwise provided for, the general assembly may fill the same in any manner they may deem proper.

SEC. 9. Vacancies from any cause in the senate or house of representatives may be filled by a new election.

SEC. 10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.[12]

ARTICLE IX.

OF QUALIFICATIONS FOR OFFICE.

SECTION 1. No person shall be eligible to any civil office (except the office of school committee) unless he be a qualified elector for such office.

SEC. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

SEC. 3. All general officers shall take the following engagement before they act in their respective offices, to wit: You . . . being by the free vote of the electors of this State of Rhode Island and Providence Plantations, elected unto the place of . . . do solemnly swear (or affirm) to be true and faithful unto this state, and to support the constitution of this state and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: So help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

SEC. 4. The members of the general assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

SEC. 5. The oath or affirmation shall be administered to the governor, lieutenant-governor, senators and representatives, by the secretary of state, or, in his absence, by the attorney-general. The secretary of state, attorney-general, and general treasurer shall be engaged by the governor, or by a justice of the supreme court.

SEC. 6. No person holding any office under the government of the United States, or of any other state or country, shall act as a general officer, or as a member of the general assembly, unless at the time of taking his engagement he shall have resigned his office under such government; and if any general officer, senator, representative or judge shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgment of deeds, or other legal instruments, by the authority of any other state or country.

ARTICLE X.

OF THE JUDICIAL POWER.

SECTION 1. The judicial power of this state shall be vested in one supreme court, and in such inferior courts as the general assembly may, from time to time, ordain and establish.

SEC. 2. The several courts shall have such jurisdiction as may from time to time be prescribed by law. Chancery powers may be conferred on the supreme court, but on no other court to any greater extent than is now provided by law.[13]

SEC. 3. The judges of the supreme court shall, in all trials, instruct the jury in the law. They shall also give their written opinion upon any question of law whenever requested by the governor, or by either house of the general assembly.[13]

SEC. 4. The judges of the supreme court shall be elected by the two houses

[12] Section 10 was annulled and superseded by Article X of the Amendments, adopted in 1893.

[13] Sections 2 and 3 were superseded and annulled by sections 1 and 2 of Article XII of the Amendments, adopted in 1903.

in grand committee. Each judge shall hold his office until his place be declared vacant by a resolution of the general assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers, and in default of the passage thereof at said session, the judge shall hold his place as is herein provided. But a judge of any court shall be removed from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

SEC. 5. In any case of vacancy by death, resignation, removal from the state or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next annual election, and the judge then elected shall hold his office as before provided. In cases of impeachment or temporary absence, or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

SEC. 6. The judges of the supreme court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

SEC. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns and the city of Providence may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.

ARTICLE XI.

OF IMPEACHMENTS.

SECTION 1. The house of representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

SEC. 2. All impeachments shall be tried by the senate; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

SEC. 3. The governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

ARTICLE XII.

OF EDUCATION.

SECTION 1. The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

SEC. 2. The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

SEC. 3. All donations for the support of public schools, or for other purposes of education, which may be received by the general assembly, shall be applied according to the terms prescribed by the donors.

SEC. 4. The general assembly shall make all necessary provisions by law for carrying this article into effect. They shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretense whatsoever.

ARTICLE XIII.

OF AMENDMENTS.

The general assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each house. Such propositions for amendments shall be published in the newspapers, and printed copies of them shall be sent by the secretary of state, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the state. The said propositions shall be, by said clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the representatives and senators who shall have voted thereon, with the yeas and nays, before the election of senators and representatives shall be had. If a majority of all the members elected to each house, at said annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three-fifths of the electors of the state present and voting thereon in town and ward meetings, it shall become a part of the constitution of the state.

ARTICLE XIV.

OF THE ADOPTION OF THIS CONSTITUTION.

SECTION 1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of governor, lieutenant-governor, secretary of state, attorney-general and general treasurer, and of senators and representatives under said constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said constitution. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall hereafter be elected, by the general assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices and may exercise their powers until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the general assembly. All charters, contracts, judgments, actions and rights of action shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-three, and until the government under this constitution is duly organized.

SEC. 2. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the state as if this constitution had not been adopted.

SEC. 3. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established, and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the general assembly.[14]

SEC. 4. The towns of New Shoreham and Jamestown shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention, at East Greenwich, this fifth day of November, A. D. one thousand eight hundred and forty-two.

JAMES FENNER, *President.*
HENRY Y. CRANSTON, *Vice-President.*

THOMAS A. JENCKES,
WALTER W. UPDIKE, *Secretaries.*

[14] Section 3 was annulled by Article XII of the Amendments, adopted in 1903

ARTICLES OF AMENDMENT.

ARTICLE I.

It shall not be necessary for the town or ward clerks to keep and transmit to the general assembly a list or register of all persons voting for general officers; but the general assembly shall have power to pass such laws on the subject as they may deem expedient.[15]

ARTICLE II.

The governor, by and with the advice and consent of the senate, shall hereafter exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is now exercised by the general assembly.[16]

ARTICLE III.

There shall be one session of the general assembly, holden annually, commencing on the last Tuesday in May, at Newport, and an adjournment from the same shall be holden annually at Providence.[17]

ARTICLE IV.

Electors in this state who, in time of war, are absent from the state, in the actual military service of the United States, being otherwise qualified, shall have a right to vote in all elections in the state for electors of president and vice-president of the United States, representatives in congress, and general officers of the state. The general assembly shall have full power to provide by law for carrying this article into effect; and until such provision shall be made by law, every such absent elector on the day of such elections, may deliver a written or printed ballot, with the names of the persons voted for thereon, and his christian and surname, and his voting residence in the state, written at length on the back thereof, to the officer commanding the regiment or company to which he belongs; and all such ballots, certified by such commanding officer to have been given by the elector whose name is written thereon, and returned by such commanding officer to the secretary of state within the time prescribed by law for counting the votes in such elections, shall be received and counted with the same effect as if given by such elector in open town, ward, or district meeting; and the clerk of each town or city, until otherwise provided by law, shall, within five days after any such election, transmit to the secretary of state a certified list of the names of all such electors on their respective voting lists.[18]

ARTICLE V.

The manufacture and sale of intoxicating liquors to be used as a beverage shall be prohibited. The general assembly shall provide by law for carrying this article into effect.[19]

ARTICLE VI.

All soldiers and sailors of foreign birth, citizens of the United States, who served in the army or navy of the United States from this state in the late civil war, and who were honorably discharged from such service, shall have the

[15] Articles I, II and III were proposed and adopted by the general assembly of January, 1854, re-adopted by the general assembly of June, 1854, and ratified at the election of November, 1854. Modified by Article XI of the Amendments, adopted in 1900.

[16] See section 4 of Article VII of the Constitution; also Note No. 15.

[17] See Section 3, Article IV of the Constitution, superseded by Section 1, Article XI, of the Amendments, adopted in 1900; see Note No. 15.

[18] Proposed and adopted by the general assembly of January, 1864, re-adopted by the general assembly of June, 1864, and ratified at the August election, 1864. See Article II of the Constitution and Articles VI, VII and X of the Amendments.

[19] Proposed and adopted by the general assembly of 1885, re-adopted by the general assembly of 1886, and ratified at the election of April 7, 1886. Annulled by Article VIII of the Amendments, adopted in 1889.

ght to vote on all questions in all legally organized town, district or ward eetings, upon the same conditions and under and subject to the same restrictions native born citizens.[20]

ARTICLE VII.

SECTION 1. Every male citizen of the United States of the age of twenty-ie years who has had his residence and home in this state for two years, id in the town or city in which he may offer to vote six months next pre-ding the time of his voting, and whose name shall be registered in the town or ty where he resides on or before the last day of December, in the year next receding the time of his voting, shall have a right to vote in the election of l civil officers and on all questions in all legally organized town or ward meet-gs: Provided, that no person shall at any time be allowed to vote in the election the city council of any city, or upon any proposition to impose a tax, or for e expenditure of money in any town or city, unless he shall within the year ext preceding have paid a tax assessed upon his property therein, valued at least one hundred and thirty-four dollars.

SEC. 2. The assessors of each town and city shall annually assess upon every rson, who, if registered, would be qualified to vote, a tax of $1, or such sum with his other taxes shall amount to $1, which tax shall be paid into the easury of such town or city and be applied to the support of the public schools erein: Provided, that such tax assessed upon any person who has performed ilitary duty shall be remitted for the year he shall perform such duty; and id tax assessed upon any mariner for any year while he is at sea, or upon y person who by reason of extreme poverty is unable to pay said tax, shall on application of such mariner or person be remitted. The general assem-y shall have power to provide by law for the collection and remission of said x.

SEC. 3. This amendment shall take, in the constitution of the state, the ace of sections 2 and 3 of article II, "Of the qualification of electors," which id sections are hereby annulled.[21]

ARTICLE VIII.

Article V of the amendments to the constitution of this state is hereby nulled.[22]

ARTICLE IX.

SECTION 1. Hereafter the general assembly may provide by general law r the creation and control of corporations: Provided, however, that no cor-oration shall be created with the power to exercise the right of eminent domain, to acquire franchises in the streets and highways of towns and cities, except special act of the general assembly upon a petition for the same, the pen-ency whereof shall be notified as may be required by law.

SEC. 2. This amendment shall take in the constitution of the state the place section 17 of article IV, "Of the legislative power," and shall be deemed to in amendment of said section and article.[23]

ARTICLE X.

SECTION 1. In all elections held by the people for state, city, town, ward, district officers, the person or candidate receiving the largest number of otes cast shall be declared elected.

SEC. 2. This amendment shall take, in the constitution of the state, the

[20] Proposed and adopted by the general assembly of 1885, re-adopted by the general assembly of 1886, and ratified at the election of April 7, 1886. Obsolete: see rticle II of the Constitution and Articles IV, VII and X of the Amendments.

[21] Proposed and adopted by the general assembly of 1887, re-adopted by the general assembly of 1888, and ratified at the election of April 4, 1888. See Articles , VI and X of the Amendments.

[22] Proposed and adopted by the general assembly of March, 1889, re-adopted by general assembly of May, 1889, and ratified on June 20, 1889.

[23] Proposed and adopted by the general assembly of March, 1892, re-adopted by the neral assembly of June, 1892, and ratified on November 8, 1892.

place of section 10 of article VIII, "Of elections," which said section is hereb annulled.[24]

ARTICLE XI.[25]

SECTION 1. There shall be a session of the general assembly at Providen commencing on the first Tuesday of January in each year. The senators an representatives shall severally receive the sum of five dollars, and the speake of the house of representatives ten dollars, for every day of actual attendanc and eight cents per mile for traveling expenses in going to and returning fro the general assembly: Provided, that no compensation or mileage shall b allowed any senator or representative for more than sixty days attendance i any calendar year. The general assembly shall regulate the compensation of th governor and of all other officers, subject to the limitations contained in th constitution.

SEC. 2. The governor, lieutenant-governor, secretary of state, attorney-ge eral, general treasurer, and senators and representatives in the general assem bly shall be elected at town, ward, and district meetings on the Tuesday nex after the first Monday in November annually, commencing A. D. 1901, and sha severally hold their offices for one year from the first Tuesday of January nex succeeding their election, and until their successors are elected and qualified.

SEC. 3. When the governor elect shall die, remove from the state, refus to serve, become insane, or be otherwise incapacitated, the lieutenant-governo elect shall be qualified as governor at the beginning of the term for which h was elected. When both the governor and lieutenant-governor elect, or eithe the lieutenant-governor, secretary of state, attorney-general, or general treasure elect are so incapacitated, or when there has been a failure to elect any on or more of the officers mentioned in this section, the general assembly sha upon its organization meet in grand committee and elect some person or perso to fill the office or offices, as the case may be, for which such incapacity exis or as to which such failure to elect occurred. When the general assembly sha elect any of said officers because of the failure of any person to receive plurality of the votes cast, the election in each case shall be made from th persons who received the same and largest number of votes.

SEC. 4. If the offices of governor and lieutenant-governor be both vacant, b reason of death or otherwise, they shall be filled by the general assembly i grand committee, and the acting governor shall, if the general assembly is no then in session, call a special session thereof for that purpose within twen days after both of said offices become vacant if a stated session is not soon to occur.

SEC. 5. In case of a vacancy in the office of secretary of state, attorne general, or general treasurer from any cause, the general assembly in gra committee shall elect some person to fill the same: Provided, that if suc vacancy occurs when the general assembly is not in session the governor sha appoint some person to fill such vacancy until a successor elected by the gener assembly is qualified to act.

SEC. 6. When a senator or representative elect shall die, remove fro the state, refuse to serve, become insane, or be otherwise incapacitated, or wh at an election for any senator or representative no person shall receive plurality of the votes cast, a new election shall be held. A vacancy in t senate or house of representatives shall be filled at a new election. The gener assembly shall provide by general law for the holding of such elections at su times as to insure that each town and city shall be fully represented in the ge eral assembly during the whole of every session thereof so far as is prac cable. Every person elected in accordance with this section shall hold h office for the remainder of the term or for the full term, as the case may b

[24] Proposed and adopted by the general assembly of March, 1893, re-adopted the general assembly of June, 1893, and ratified on November 28, 1893.

[25] Proposed and adopted by the general assembly of 1899, re-adopted by the ge eral assembly of 1900, and ratified on November 6, 1900. See section 3 of Article I of the Constitution.

[26] Obsolete; see Article XVI of the Amendments, adopted in 1911.

of the office which he is elected to fill, and until his successor is elected and qualified.

SEC. 7. In elections by the general assembly in grand committee the person receiving a majority of the votes shall be elected. Every person elected by the general assembly to fill a vacancy, or pursuant to section 3 of this article, shall hold his office for the remainder of the term or for the full term, as the case may be, and until his successor is elected and qualified.

SEC. 8. A quorum of the grand committee shall consist of a majority of all the members of the senate and a majority of all the members of the house of representatives duly assembled pursuant to an invitation from one of said bodies which has been accepted by the other, and the acceptance of which has been communicated by message to the body in which such invitation originated, and each house shall be attended by its secretaries and clerks. No act or business of any kind shall be done in grand committee other than that which is distinctly specified in the invitation by virtue of which such grand committee is assembled, except to take a recess or to dissolve: Provided, that the grand committee may appoint a sub-committee of its own members to count any ballots delivered to it and report the result of such count.

SEC. 9. The governor, lieutenant-governor, secretary of state, attorney-general, general treasurer, and senators and representatives in the general assembly in office when this amendment goes into effect shall continue to hold their offices, with the powers and duties and subject to the limitations prescribed therein for like officers, until the first Tuesday in January, A. D. 1902, and until their successors are elected and qualified. Vacancies in their number from any cause shall be filled in the manner which is prescribed by law at the time of their occurrence. All officers who by the provisions of this amendment are continued in office beyond the stated time for which they were elected or appointed shall receive a pro rata compensation for their increased term of service, based upon the compensation provided for in this amendment or by law.

SEC. 10. The first election of officers named in the next preceding section under this amendment shall be held upon the Tuesday next after the first Monday in November, A. D. 1901. The town, ward, and district meetings therefor shall be warned and conducted, and the result thereof determined, authenticated, and declared, in the manner at that time prescribed by law. And the persons then elected shall hold their offices from the said first Tuesday in January, A. D. 1902, and thereafter until their successors are elected and qualified.

SEC. 11. The general assembly shall provide by law for the registration necessary to qualify persons to vote at said first election, which registration shall close on the last day of June, A. D. 1901, and after the adoption of this amendment no person of whom registration is or may be required by law shall be permitted to vote unless his name shall have been registered in the town or city where he resides on or before the last day of June next preceding the time of his voting. For all elections by the people held before said Tuesday next after the first Monday in November, A. D. 1901, the qualifications of the electors shall be such as were required by the constitution and laws existing at the time of the adoption of this amendment.

SEC. 12. This amendment shall take, in the constitution of the state, the place of sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of article VIII, "Of elections;" and of section 11 of article IV, "Of the legislative power;" and of article III, of the amendment to the constitution; which said article and sections, and all other provisions of the constitution inconsistent herewith, are hereby annulled.

ARTICLE XII.

SECTION 1. The supreme court shall have final revisory and appellate jurisdiction upon all questions of law and equity. It shall have power to issue prerogative writs, and shall also have such other jurisdiction as may, from time to time, be prescribed by law. A majority of its judges shall

always be necessary to constitute a quorum. The inferior courts shall ha such jurisdiction as may, from time to time, be prescribed by law.

SEC. 2. The judges of the supreme court shall give their written opin upon any question of law whenever requested by the governor or by eit house of the general assembly.

SEC. 3. Sections 1 and 2 of this amendment shall take, in the con tution of the state, the place of sections 2 and 3 of article X, entitled " the judicial power," which sections are hereby annulled.

SEC. 4. Section 3 of article XIV of the constitution of the state, entit "Of the adoption of this constitution," is hereby annulled.

SEC. 5. The general assembly shall provide by law for carrying t amendment into effect, and until such provision shall be made, the supre court, as organized at the time of the adoption of this amendment, shall c tinue to have and exercise the same powers and jurisdiction which it sh then have under such organization.[27]

ARTICLE XIII.

SECTION 1. The house of representatives shall never exceed one hund members, and shall be constituted on the basis of population, always allow one representative for a fraction exceeding half the ratio; but each town city shall always be entitled to at least one member; and no town or shall have more than one-fourth of the whole number of members. The eral assembly may, after any new census taken by the authority of the Uni States or this state, reapportion the representation in conformity with foregoing provisions. As soon as this amendment goes into effect, the gene assembly shall divide each town and city into as many districts as it is e tled to representatives, and after each census, or as occasion may require, general assembly may so divide each town and city, and one representa shall be elected from each district by the qualified electors thereof. S districts shall be as nearly equal in population and as compact in territ as possible.

SEC. 2. This amendment shall take, in the constitution of the state, place of section 1 of article V, "Of the house of representatives," which section and all other provisions of the constitution inconsistent herewith hereby annulled.[28]

ARTICLE XIV.

SECTION 1. The lieutenant-governor shall preside in the senate and grand committee. The presiding officer of the senate and grand commi shall have a right to vote in case of equal division, but not otherwise.

SEC. 2. If, by reason of death, resignation, absence, or other cause, lieutenant-governor is not present, to preside in the senate, the senate s elect one of their own members to preside during such absence or vaca and until such election is made by the senate, the secretary of state s preside. The presiding officer of the senate shall preside in grand commi and in joint assembly.

SEC. 3. This amendment shall take, in the constitution of the state, place of sections 2 and 3 of article VI, "Of the senate," which said sect and all other provisions of the constitution inconsistent herewith are he annulled.[29]

ARTICLE XV.

SECTION 1. Every bill, resolution, or vote (except such as relate to journment, the organization or conduct of either or both houses of the eral assembly, and resolutions proposing amendment to the constitution) w

[27] Proposed and adopted by the general assembly of 1902, re-adopted by the eral assembly of 1903, and ratified on November 3, 1903.

[28] Proposed and adopted by the general assembly of 1908, re-adopted by the eral assembly of 1909, and ratified on November 2, 1909.

[29] Proposed and adopted by the general assembly of 1908, re-adopted by the eral assembly of 1909, and ratified on November 2, 1909.

all have passed both houses of the general assembly shall be presented to governor. If he approve it he shall sign it, and thereupon it shall become erative; but if he does not approve it he shall return it, accompanied by s objections in writing, to the house in which it originated, which shall ter his objections in full upon its journal and proceed to reconsider it. If, ter such reconsideration, three-fifths of the members present and voting in at house shall vote to pass the measure, it shall be sent, with the objections, the other house, by which it shall likewise be reconsidered, and if approved three-fifths of the members present and voting in that house, it shall become erative in the same manner as if the governor had approved it, but in such ses the votes of both houses shall be determined by ayes and nays and the mes of the members voting for and against the measure shall be entered on the journal of each house, respectively. If the measure shall not be turned by the governor within six days (Sundays excepted) after it shall ve been presented to him, the same shall become operative unless the gen- l assembly, by adjournment, prevents its return, in which case it shall come operative unless transmitted by the governor to the secretary of state, th his disapproval in writing, within ten days after such adjournment.[30]

ARTICLE XVI.

SECTION 1. The governor, lieutenant-governor, secretary of state, attorney-neral, general treasurer, and senators and representatives in the general sembly, shall be elected at town, ward and district meetings on the Tuesday xt after the first Monday in November, biennially, commencing A. D. 1912. l shall severally hold their offices for two years from the first Tuesday of nuary next succeeding their election and until their successors are elected l qualified.

SEC. 2. This amendment shall take, in the constitution of the state, the ce of section 2 of article XI of articles of amendment to the constitution, ich said section, and all other provisions of the constitution inconsistent rewith, are hereby annulled.[31]

ARTICLE XVII.

SECTION 1. The general assembly may authorize the acquiring or taking fee by the state, or by any cities or towns, of more land and property than needed for actual construction in the establishing, laying out, widening, ending or relocating of public highways, streets, places, parks or parkways: ovided, however, that the additional land and property so authorized to be uired or taken shall be no more in extent than would be sufficient to form table building sites abutting on such public highway, street, place, park parkway. After so much of the land and property has been appropriated such public highway, street, place, park or parkway as is needed therefor, remainder may be held and improved for any public purpose or purposes, may be sold or leased for value with or without suitable restrictions, and ease of any such sale or lease the person or persons from whom such re- lder was taken shall have the first right to purchase or lease the same on such terms as the state or city or town is willing to sell or lease the me.[32]

[30] Proposed and adopted by the general assembly of 1908, re-adopted by the general assembly of 1909, and ratified on November 2, 1909.

[31] Proposed and adopted by the general assembly of 1910, re-adopted by the general assembly of 1911, and ratified on November 7, 1911.

[32] Proposed and adopted by the general assembly of 1914, re-adopted by the general assembly of 1915, and ratified on November 7, 1916.

CONSTITUTION OF SOUTH CAROLINA—1895.*

The State of South Carolina: At a convention of the People of the S of South Carolina, begun and holden at Columbia, on the Tenth day of tember, in the year of our Lord one thousand eight hundred and ninety- and thence continued by divers adjournments to the Fourth day of Decem in the year of our Lord one thousand eight hundred and ninety-five.

PREAMBLE.

We, the People of the State of South Carolina, in Convention assem grateful to God for our liberties, do ordain and establish this Constitution the preservation and perpetuation of the same.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All political power is vested in and derived from the pe only, therefore they have the right at all times to modify their form of ernment.

SEC. 2. Representation in the House of Representatives shall be a tioned according to population.

SEC. 3. The General Assembly ought frequently to assemble for the dress of grievances and for making new laws, as the common good require.

SEC. 4. The General Assembly shall make no law respecting an e lishment of religion or prohibiting the free exercise thereof, or abridging freedom of speech or of the press; or the right of the people peaceabl assemble and to petition the Government or any department thereof f redress of grievances.

SEC. 5. The privileges and immunities of citizens of this State an the United States under this Constitution shall not be abridged, nor any person be deprived of life, liberty or property without due process of nor shall any person be denied the equal protection of the laws.

SEC. 6. All property subject to taxation shall be taxed in proportio its value.

SEC. 7. No tax, subsidy, charge, impost tax or duties shall be e lished, fixed, laid or levied, under any pretext whatsoever, without the co of the people or their representatives lawfully assembled.

SEC. 8. No bill of attainder, ex post facto law, law impairing the ob tion of contracts, nor law granting any title of nobility or hereditary e ment, shall be passed, and no conviction shall work corruption of bloo forfeiture of estate.

SEC. 9. The right of suffrage, as regulated in this Constitution, sha protected by law regulating elections and prohibiting, under adequate pen all undue influences from power, bribery, tumult or improper conduct.

SEC. 10. All elections shall be free and open, and every inhabitant o State possessing the qualifications provided for in this Constitution shall an equal right to elect officers and be elected to fill public office.

SEC. 11. No property qualifications, unless prescribed in this Constit shall be necessary for an election to or the holding of any office. No p shall be elected or appointed to office in this State for life or during behavior, but the terms of all officers shall be for some specified period, c Notaries Public and officers in the militia. After the adoption of this

* The constitution of South Carolina was framed by a convention which asse at Columbia on September 10 and adjourned on December 4, 1895. The consti was not submitted to the electors for ratification, but was promulgated by th vention and declared in force from and after December 31, 1895.

ution any person who shall fight a duel or send or accept a challenge for
t purpose, or be an aider or abetter in fighting a duel, shall be deprived
holding any office of honor or trust in this State, and shall be otherwise
ished as the law shall prescribe.

SEC. 12. Temporary absence from the State shall not forfeit a residence
e obtained.

SEC. 13. The power of suspending the laws or the execution of the laws
ll only be exercised by the General Assembly or by its authority in par-
ular cases expressly provided for by it.

SEC. 14. In the government of this State the legislative, executive and
icial powers of the Government shall be forever separate and distinct from
h other, and no person or persons exercising the functions of one of said
artments shall assume or discharge the duties of any other.

SEC. 15. All Courts shall be public, and every person shall have speedy
edy therein for wrongs sustained.

SEC. 16. The right of the people to be secure in their persons, houses,
ers and effects against unreasonable searches and seizures shall not be
ated, and no warrants shall issue but upon probable cause, supported by
n or affirmation, and particularly describing the place to be searched and
person or thing to be seized.

SEC. 17. No person shall be held to answer for any crime where the
ishment exceeds a fine of one hundred dollars or imprisonment for thirty
s, with or without hard labor, unless on a presentment or indictment of
rand jury of the County where the crime shall have been committed, except
ases arising in the land or naval forces or in the militia when in actual
ice in time of war or public danger; nor shall any person be subject
the same offense to be twice put in jeopardy of life or liberty, nor shall
compelled in any criminal case to be a witness against himself. Private
perty shall not be taken for private use without the consent of the owner,
for public uses without just compensation being first made therefor.

SEC. 18. In all criminal prosecutions the accused shall enjoy the right
a speedy and public trial by an impartial jury; and to be fully informed
he nature and cause of the accusation; to be confronted with the wit-
es against him; to have compulsory process for obtaining witnesses in
favor, and to be fully heard in his defense by himself or by his counsel
g both.

SEC. 19. Excessive bail shall not be required, nor excessive fines imposed,
cruel and unusual punishments inflicted, nor shall witnesses be unreason-
detained. Corporal punishment shall not be inflicted. The power to
sh for contempt shall not in any case extend to imprisonment in the State
tentiary.

SEC. 20. All persons shall, before conviction, be bailable by sufficient
ties, except for capital offenses when the proof is evident or the presump-
great.

SEC. 21. In all indictments or prosecutions for libel, the truth of the
ed libel may be given in evidence, and the jury shall be the judges of the
and the facts.

SEC. 22. Treason against the State shall consist alone in levying war
n giving aid and comfort to enemies against the State. No person shall
held guilty of treason, except upon testimony of at least two witnesses to
same overt act, or upon confession in open Court.

SEC. 23. The privilege of the writ of habeas corpus shall not be suspended
ss when, in case of insurrection, rebellion or invasion, the public safety
require it.

SEC. 24. No person shall be imprisoned for debt except in cases of fraud.

SEC. 25. The right of trial by jury shall be preserved inviolate.

SEC. 26. A well regulated militia being necessary to the security of a
State, the right of the people to keep and bear arms shall not be in-
ged. As in times of peace armies are dangerous to liberty, they shall
be maintained without the consent of the General Assembly. The military
r of the State shall always be held in subordination to the civil authority

and be governed by it. No soldier shall in time of peace be quartered in a house without the consent of the owner, nor in time of war, but in the manner prescribed by law.

SEC. 27. No person shall in any case be subject to Martial law or to pains or penalties by virtue of that law, except those employed in the army and navy of the United States, and except the militia in actual service, by the authority of the General Assembly.

SEC. 28. All navigable waters shall forever remain public highways free to the citizens of the State and the United States without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owners of any merchandise or commodity for the use of the shores or any wharf erected on the shores or in or over the waters of any navigable stream unless the same be authorized by the General Assembly.

SEC. 29. The provisions of the Constitution shall be taken, deemed and construed to be mandatory and prohibitory, and not merely directory, except where expressly made directory or permissory by its own terms.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. All elections by the people shall be by ballot, and elections shall never be held or the ballots counted in secret.

SEC. 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this Constitution. But no person shall hold two offices of honor or profit at the same time: Provided, That any person holding another office may at the same time be an officer in the militia or a Notary Public.

SEC. 3. Every male citizen of this State and of the United States twenty one years of age and upwards, not laboring under the disabilities named in this Constitution and possessing the qualifications required by it, shall be a elector.

SEC. 4. The qualifications for suffrage shall be as follows:

(a) Residence in the State for two years, in the County one year, the polling precinct in which the elector offers to vote four months, and payment six months before any election of any poll tax then due and payable: Provided, That ministers in charge of an organized church and teachers of public schools shall be entitled to vote after six months' residence in the State if otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in ten years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this Article.

(c) Up to January 1st, 1898, all male persons of voting age applying for registration who can read any Section in this Constitution submitted to him by the registration officer, or understand and explain it when read to him by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, sworn to by the registration officer, shall be filed, one copy with the Clerk of Court and one in the office of the Secretary of State, on or before February 1st, 1898, and such persons shall remain during life qualified electors unless disqualified by the other provisions of this Article. The certificate of the Clerk of Court or Secretary of State shall be sufficient evidence to establish the right of said citizens to any subsequent registration and the franchise under the limitations herein imposed.

(d) Any person who shall apply for registration after January 1st, 1908, if otherwise qualified, shall be registered: Provided, That he can both read and write any Section of this Constitution submitted to him by the registration officer or can show that he owns, and has paid all taxes collectible during the previous year on property in this State assessed at three hundred dollars ($300) or more.

(e) Managers of election shall require of every elector offering to

any election, before allowing him to vote, proof of the payment of all axes, including poll tax, assessed against him and collectible during the revious year. The production of a certificate or of the receipt of the officer uthorized to collect such taxes shall be conclusive proof of the payment hereof.

(f) The General Assembly shall provide for issuing to each duly regis-ered elector a certificate of registration, and shall provide for the renewal f such certificate when lost, mutilated or destroyed, if the applicant is still qualified elector under the provisions of this Constitution, or if he has been egistered as provided in subsection (c).

SEC. 5. Any person denied registration shall have the right to appeal to he Court of Common Pleas, or any Judge thereof, and thence to the Supreme ourt, to determine his right to vote under the limitations imposed in this rticle, and on such appeal the hearing shall be de novo, and the General ssembly shall provide by law for such appeal, and for the correction of legal and fraudulent registration, voting, and all other crimes against the ection laws.

SEC. 6. The following persons are disqualified from being registered or oting:

First. Persons convicted of burglary, arson, obtaining goods or money under alse pretenses, perjury, forgery, robbery, bribery, adultery, bigamy, wife-eating, house-breaking, receiving stolen goods, breach of trust with fraudu-nt intent, fornication, sodomy, incest, assault with intent to ravish, mis-egenation, larceny, or crimes against the election laws: Provided, That the ardon of the Governor shall remove such disqualification.

Second. Persons who are idiots, insane, paupers supported at the public xpense, and persons confined in any public prison.

SEC. 7. For the purpose of voting, no person shall be deemed to have ained or lost a residence by reason of his presence or absence while employed the service of the United States, nor while engaged in the navigation of he waters of this State, or of the United States, or of the high seas, nor hile a student of any institution of learning.

SEC. 8. The General Assembly shall provide by law for the registration all qualified electors, and shall prescribe the manner of holding elections nd of ascertaining the results of the same: Provided, At the first registra-on under this Constitution, and until the first of January, 1898, the regis-ation shall be conducted by a Board of three discreet persons in each ounty, to be appointed by the Governor, by and with the advice and consent the Senate. For the first registration to be provided for under this Con-itution, the registration books shall be kept open for at least six consecutive eeks; and thereafter from time to time at least one week in each month, to thirty days next preceding the first election to be held under this Con-itution. The registration books shall be public records open to the inspec-on of any citizen at all times.

SEC. 9. The General Assembly shall provide for the establishment of olling precincts in the several Counties of the State, and those now exist-g shall so continue until abolished or changed. Each elector shall be re-uired to vote at his own precinct, but provision shall be made for his transfer another precinct upon his change of residence.

SEC. 10. The General Assembly shall provide by law for the regulation party primary elections and punishing fraud at the same.

SEC. 11. The registration books shall close at least thirty days before election, during which time transfers and registration shall not be legal: rovided, Persons who will become of age during that period shall be entitled registration before the books are closed.

SEC. 12. Electors in municipal elections shall possess the qualifications nd be subject to the disqualifications herein prescribed. The production of certificate of registration from the registration officers of the County as an ector at a precinct included in the incorporated city or town in which the oter desires to vote is declared a condition prerequisite to his obtaining a cer-ficate of registration for municipal elections, and in addition he must have been

a resident within the corporate limits at least four months before the electio and have paid all taxes due and collectible for the preceding fiscal year. Th General Assembly shall provide for the registration of all voters before each ele tion in municipalities: Provided, That nothing herein contained shall apply t any municipal elections which may be held prior to the general election of th year 1896.

SEC. 13. In authorizing a special election in any incorporated city town in this State for the purpose of bonding the same, the General Assembl shall prescribe as a condition precedent to the holding of said election a pet tion from a majority of the freeholders of said city or town as shown by it tax books, and at such elections all electors of such city or town who a duly qualified for voting under Section 12 of this Article, and who have pai all taxes, State, County and municipal, for the previous year, shall be allowe to vote; and the vote of a majority of those voting in said election shall b necessary to authorize the issue of said bonds.

SEC. 14. Electors shall in all cases except treason, felony, or a breac of the peace, be privileged from arrest on the days of election during the attendance at the polls, and going to and returning therefrom.

SEC. 15. No power, civil or military, shall at any time interfere to prevei the free exercise of the right of suffrage in this State.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in tw distinct branches, the one to be styled the "Senate" and the other the "Hou of Representatives," and both together the "General Assembly of the State South Carolina."

SEC. 2. The House of Representatives shall be composed of membe chosen by ballot every second year by citizens of this State, qualified as this Constitution is provided.

SEC. 3. The House of Representatives shall consist of one hundred an twenty-four members, to be apportioned among the several Counties accordi to the number of inhabitants contained in each. Each County shall constitu one Election District. An enumeration of the inhabitants for this purpo shall be made in the year nineteen hundred and one, and shall be ma in the course of every tenth year thereafter, in such manner as shall be law directed: Provided, That the General Assembly may at any time, in discretion, adopt the immediately preceding United States Census as a tr and correct enumeration of the inhabitants of the several Counties, and ma the apportionment of Representatives among the several Counties accordi to said enumeration: Provided, further, That until the apportionment whi shall be made upon the next enumeration shall take effect, the representati of the several Counties as they now exist (including the County of Salu established by ordinance) shall be as follows: Abbeville, 5; Aiken, 3; And son, 5; Barnwell, 5; Beaufort, 4; Berkeley, 4; Charleston, 9; Chester, Chesterfield, 2; Clarendon, 3; Colleton, 4; Darlington, 3; Edgeville, 3; Fa field, 3; Florence, 3; Georgetown, 2; Greenville, 5; Hampton, 2; Horry, Kershaw, 2; Lancaster, 2; Laurens, 3; Lexington, 2; Marion, 3; Marlboro, Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 2; Richland, 4; Saluda, Spartanburg, 6; Sumter, 5; Union, 3; Williamsburg, 3; York, 4: Provid further, That in the event other Counties are hereafter established, then t General Assembly shall reapportion the Representatives between the Counti

SEC. 4. In assigning Representatives to the several Counties, the Gene Assembly shall allow one Representative to every one hundred and twen fourth part of the whole number of inhabitants in the State: Provided, Th if in the apportionment of Representatives any County shall appear not be entitled, from its population, to a Representative, such County shall, nev theless, send one Representative; and if there be still a deficiency in t number of Representatives required by Section third of this Article, such

ficiency shall be supplied by assigning Representatives to those Counties having the largest surplus fractions.

SEC. 5. No apportionment of Representatives shall take effect until the general election which shall succeed such apportionment.

SEC. 6. The Senate shall be composed of one member from each County, to be elected for the term of four years by the qualified electors in each County, in the same manner in which members of the House of Representatives are chosen.

SEC. 7. No person shall be eligible to a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution in the County in which he may be chosen. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

SEC. 8. The first election for members of the House of Representatives under this Constitution shall be held on Tuesday after the first Monday in November, eighteen hundred and ninety-six, and in every second year thereafter, in such manner and at such places as the General Assembly may prescribe; and the first election for Senators shall be held on Tuesday after the first Monday in November, eighteen hundred and ninety-six, and every fourth year thereafter, except in Counties in which there was an election for Senator in eighteen hundred and ninety-four for a full term, in which Counties no election for Senator shall be held until the general election to be held in eighteen hundred and ninety-eight, and every fourth year thereafter, except to fill vacancies. Senators shall be so classified that one-half of their number, as nearly as practicable, shall be chosen every two years. Whenever the General Assembly shall establish more than one County at any session, it shall so prescribe the first term of the Senators from such Counties as to observe such classification.

SEC. 9. The annual session of the General Assembly heretofore elected, fixed by the Constitution of the year eighteen hundred and sixty-eight to convene on the fourth Tuesday of November, in the year eighteen hundred and ninety-five, is hereby postponed, and the same shall be convened and held in the city of Columbia on the second Tuesday of January, in the year eighteen hundred and ninety-six. The first session of the General Assembly elected under this Constitution shall convene in Columbia on the second Tuesday in January, in the year eighteen hundred and ninety-seven, and thereafter annually at the same time and place. Should the casualties of war or contagious disease render it unsafe to meet at the seat of government, then the Governor may, by proclamation, appoint a more secure and convenient place of meeting. Members of the General Assembly shall not receive any compensation for more than forty days of any one session: Provided, That this limitation shall not affect the first four sessions of the General Assembly under this Constitution.

SEC. 10. The term of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

SEC. 11. Each house shall judge of the election returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be provided by law or rule.

procedure, punish its members for disorderly behavior, and, with the concur-

SEC. 12. Each house shall choose its own officers, determine its rules of rence of two-thirds, expel a member, but not a second time for the same cause.

SEC. 13. Each house may punish by imprisonment during its sitting any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence, or who, during the time of its sitting, shall threaten harm to the body or estate of any member for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the house in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the house: Provided, That such

time of imprisonment shall not in any case extend beyond the session of the General Assembly.

SEC. 14. The members of both houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not protect any member who shall be charged with treason, felony or breach of the peace.

SEC. 15. Bills for raising revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; all other Bills may originate in either house, and may be amended, altered or rejected by the other.

SEC. 16. The style of all laws shall be: "Be it enacted by the General Assembly of the State of South Carolina."

SEC. 17. Every Act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

SEC. 18. No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: Provided, That either branch of the General Assembly may provide by rule for a first and third reading of any Bill or Joint Resolution by its title only.

SEC. 19. Each member of the General Assembly shall receive five cents for every mile for the ordinary route of travel in going to and returning from the place where its sessions are held; no General Assembly shall have the power to increase the per diem of its own members; and members of the General Assembly when convened in extra session shall receive the same compensation as is fixed by law for the regular session.

SEC. 20. In all elections by the General Assembly, or either house thereof, the members shall vote "viva voce," and their votes, thus given, shall be entered upon the journal of the house to which they respectively belong.

SEC. 21. Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it shall be at the time sitting.

SEC. 22. Each house shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of ten members of the House or five members of the Senate, respectively, be entered on the journal. Any member of either house shall have liberty to dissent from and protest against any Act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journal.

SEC. 23. The doors of each house shall be open, except on such occasions as in the opinion of the House may require secrecy.

SEC. 24. No person shall be eligible to a seat in the General Assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia and Notaries Public; and if any member shall accept or exercise any of the said disqualifying offices or positions he shall vacate his seat.

SEC. 25. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifyng office or position, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve or the defaulting election district ought to have chosen a member or members.

SEC. 26. Members of the General Assembly, and all officers before they

enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. I do further solemnly swear (or affirm) that I have not since the first day of January, in the year eighteen hundred and eighty-one, engaged in a duel as principal or second or otherwise; and that I will not, during the term of office to which I have been elected (or appointed) engage in a duel as principal or second or otherwise. So help me God."

SEC. 27. Officers shall be removed for incapacity, misconduct or neglect of duty, in such manner as may be provided by law, when no mode of trial or removal is provided in this Constitution.

SEC. 28. The General Assembly shall enact such laws as will exempt from attachment, levy and sale under any mesne or final process issued from any Court, to the head of any family residing in this State, a homestead in lands, whether held in fee or any lesser estate, to the value of one thousand dollars, or so much thereof as the property is worth if its value is less than one thousand dollars, with the yearly products thereof, and to every head of a family residing in this State, whether entitled to a homestead exemption in lands or not, personal property to the value of five hundred dollars, or so much thereof as the property is worth if its value is less than five hundred dollars. The title to the homestead to be set off and assigned shall be absolute and be forever discharged from all debts of the said debtor then existing or thereafter contracted except as hereinafter provided: Provided, That in case any woman having a separate estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as hereinbefore provided, said married woman shall be entitled to a like exemption as provided for the head of a family: Provided, further, That there shall not be an allowance of more than one thousand dollars' worth of real estate and more than five hundred dollars' worth of personal property to the husband and wife jointly: Provided, further, That no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or personal property exemption or the erection or making of improvements or repairs thereon: Provided, further, That the yearly products of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same: Provided, further, That no waiver shall defeat the right of homestead before assignment except it be by deed of conveyance, or by mortgage, and only as against the mortgage debt; and no judgment creditor or other creditor whose lien does not bind the homestead shall have any right or equity to require that a lien which embraces the homestead and other property shall first exhaust the homestead: Provided, further, That after a homestead in lands has been set off and recorded the same shall not be waived by deed of conveyance, mortgage or otherwise, unless the same be executed by both husband and wife, if both be living: Provided, further, That any person not the head of a family shall be entitled to a like exemption as provided for the head of a family in all necessary wearing apparel and tools and implements of trade, not to exceed in value the sum of three hundred dollars.

SEC. 29. All taxes upon property, real and personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

SEC. 30. The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor after service rendered, or contract made, nor authorize payment or part payment of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrection.

SEC. 31. Lands belonging to or under the control of the State shall never be donated, directly or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it can be sold to individuals. This, however, shall not prevent the General Assembly from granting a right of way, not exceeding one hundred and fifty feet in width, as a mere easement to railroads across State lands, nor to interfere with the discretion of the General Assembly in confirming the title to lands claimed to belong to the State, but used or possessed by other parties under an adverse claim.

SEC. 32. The General Assembly shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death; nor grant pensions except for military and naval service; nor retire any officer on pay or part pay.

SEC. 33. The marriage of a white person with a negro or mulatto, or person who shall have one-eighth or more of negro blood, shall be unlawful and void. No unmarried woman shall legally consent to sexual intercourse who shall not have attained the age of fourteen years.

SEC. 34. The General Assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes, to wit:

I. To change the names of persons or places.

II. [Repealed in 1905.][1]

III. To incorporate cities, towns or villages, or change, amend or extend the charter thereof.

IV. To incorporate educational, religious, charitable, social, manufacturing or banking institutions not under the control of the State, or amend or extend the charters thereof.

V. To incorporate school districts.

VI. To authorize the adoption or legitimation of children.

VII. To provide for the protection of game.

VIII. To summon and empanel grand or petit jurors.

IX. [Repealed in 1905.][1]

X. To fix the amount or manner of compensation to be paid to any County officer except that the laws may be so made as to grade the compensation in proportion to the population and necessary service required.

XI. In all other cases, where a general law can be made applicable, no special law shall be enacted.

XII. The General Assembly shall forthwith enact general laws concerning said subjects for said purposes, which shall be uniform in their operations: Provided, That nothing contained in this Section shall prohibit the General Assembly from enacting special provisions in general laws.

XIII. The provisions of this Section shall not apply to charitable and educational corporations where, under the terms of the gift, devise, or will, special incorporation may be required.

[SEC. 34a.] The General Assembly of this State may enact local or special laws concerning the laying out, opening, altering or working roads or highways, and concerning the providing for the age at which citizens shall be subject to road duty, and concerning drainage.[2]

SEC. 35. It shall be the duty of the General Assembly to enact laws limiting the number of acres of land which any alien or any corporation controlled by aliens may own within this State.

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[1] Sub-sections II and IX of Section 34 were repealed by an amendment proposed by the general assembly of 1904, adopted by the electors on November 8, 1904, and ratified by the general assembly of 1905. See [Section 34a] of Article III, enacted in 1905. The Code of 1912 renumbers these sub-sections with II and IX omitted.

[2] [Section 34a] is a new section; it was proposed by the general assembly of 1904, adopted by the electors on November 8, 1904, and ratified by the general assembly of 1905. No article or section number was assigned to this amendment, and it has been inserted here as [Section 34a].

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina."

SEC. 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for two years, and until his successor shall be chosen and qualified, and shall be re-eligible. He shall be elected at the first general election held under this Constitution for members of the General Assembly, and at each general election thereafter, and shall be installed during the first session of the said General Assembly after his election, on such days as shall be provided by law. The other State officers-elect shall at the same time enter upon the performance of their duties.

SEC. 3. No person shall be eligible to the office of Governor who denies the existence of the Supreme Being; or who at the time of such election has not attained the age of thirty years; and who shall not have been a citizen of the United States and a citizen and resident of this State for five years next preceding the day of election. No person while Governor shall hold any office or other commission (except in the militia) under the authority of this State, or of any other power, at one and the same time.

SEC. 4. The returns of every election for Governor shall be sealed up by the Boards of Canvassers in the respective Counties, and transmitted by mail, to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Assembly; and duplicates of said returns shall be filed with the Clerks of the Court of said Counties. It shall be the duty of any Clerk of Court to forward to the Secretary of State a certified copy of said returns upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been canvassed by the County Board, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County, and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly; and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two houses, the Speaker shall open and publish them in the presence of both houses. The person having the highest number of votes shall be Governor; but if two or more shall be equal, and highest in votes, the General Assembly shall during the same session, in the House of Representatives, choose one of them Governor viva voce. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

SEC. 5. A Lieutenant Governor shall be chosen at the same time, in the same manner, continue in office for the same period and be possessed of the same qualifications as the Governor, and shall ex officio be President of the Senate.

SEC. 6. The Lieutenant Governor while presiding in the Senate shall have no vote, unless the Senate be equally divided.

SEC. 7. The Senate shall, as soon as practicable after the convening of the General Assembly, choose a President pro tempore to act in the absence of the Lieutenant Governor, or when he shall fill the office of Governor.

SEC. 8. A member of the Senate acting as Governor or Lieutenant Governor shall thereupon vacate his seat and another person shall be elected in his stead.

SEC. 9. In case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall then be Governor; and in case of the removal

of the last named officer from his office by impeachment, death, resignation, disqualification, disability, or removal from the State, the President pro tempore of the Senate shall be Governor; and the last named officer shall then forthwith, by proclamation, convene the Senate in order that a President pro tempore may be chosen. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In case of the temporary disability of the Governor the Lieutenant Governor shall perform the duties of the Governor.

SEC. 10. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the active service of the United States.

SEC. 11. He shall have power to grant reprieves, commutations and pardons after conviction (except in cases of impeachment), in such manner, on such terms and under such restrictions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with the report of the Board of Pardons. Every petition for pardon or commutation of sentence may be first referred by him to a Board of Pardons, to be provided by the General Assembly, which Board shall hear all such petitions under such rules and regulations as the General Assembly may provide. The Governor may adopt the recommendations of said Board, but in case he does not he shall submit his reasons to the General Assembly.

SEC. 12. He shall take care that the laws be faithfully executed in mercy.

SEC. 13. The Governor and Lieutenant Governor shall, at stated times, receive for their services compensation, which shall be neither increased nor diminished during the period for which they shall have been elected.

SEC. 14. All officers in the Executive Department, and all Boards of public institutions, shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices or the concerns of their respective institutions, including itemized accounts of receipts and disbursements.

SEC. 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend for its consideration such measures as he shall deem necessary or expedient.

SEC. 16. He may on extraordinary occasions convene the General Assembly in extra session. Should either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the time of the annual session then next ensuing.

SEC. 17. He shall commission all officers of the State.

SEC. 18. The Seal of the State now in use shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

SEC. 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State.

SEC. 20. The Governor and Lieutenant Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article III, Section 26, of the Constitution.

SEC. 21. The Governor shall reside at the Capital of the State, except in cases of contagion or the emergencies of war; but during the sittings of the General Assembly he shall reside where its sessions are held.

SEC. 22. Whenever it shall be brought to the notice of the Governor by affidavit that any officer who has the custody of public or trust funds is probably guilty of embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct his immediate prosecution by the proper officer, and upon true bill found the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted by the

verdict of a jury. In case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law.

SEC. 23. Every Bill or Joint Resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approve he shall sign it; if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by two-thirds of that house it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the Bill or Joint Resolution shall be entered on the Journals of both houses respectively. Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and Sections. If the Governor shall not approve any one or more of the items or Sections contained in any Bill, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the Bill with his objections to the items or Sections of the same not approved by him to the house in which the Bill originated, which house shall enter the objections at large upon its Journal and proceed to reconsider so much of said bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire Bill returned by the Governor with his objections; and if any item or Section of said Bill not approved by the Governor shall be passed by two-thirds of each house of the General Assembly, it shall become a part of said law notwithstanding the objections of the Governor. If a Bill or Joint Resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by adjournment, prevent its return, in which case it shall have such force and effect unless returned within two days after the next meeting.

SEC. 24. There shall be elected by the qualified voters of the State a Secretary of State, a Comptroller-General, an Attorney-General, a Treasurer, an Adjutant and Inspector-General, and a Superintendent of Education, who shall hold their respective offices for the term of two years, and until their several successors have been chosen and qualified; and whose duties and compensation shall be prescribed by law. The compensation of such officers shall be neither increased nor diminished during the period for which they shall have been elected.

ARTICLE V.

JUDICIAL DEPARTMENT.

SEC. 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to wit: A Court of Common Pleas having jurisdiction and a Court of General Sessions with criminal jurisdiction only. The General Assembly may also establish County Courts, Municipal Courts and such Courts in any or all of the Counties of this State inferior to Circuit Courts as may be deemed necessary, but none of such Courts shall ever be invested with jurisdiction to try cases of murder, manslaughter, rape or attempt to rape, arson, common law burglary, bribery or perjury: Provided, Before a County Court shall be established in any County it must be submitted to the qualified electors and a majority of those voting must vote for its establishment.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices, any three of whom shall constitute a quorum for the transaction of business. The Chief Justice shall preside, and in his absence the Senior Associate Justice. They shall be elected by a joint viva voce vote of the General Assembly for the term of ten years, and shall continue in office

until their successors shall be elected and qualified, and shall be so classified that one of them shall go out of office every two years.[3]

SEC. 3. The present Chief Justice and Associate Justices of the Supreme Court are declared to be the Chief Justice and two of the Associate Justices of said Court as herein established until the terms for which they were elected shall expire, and the General Assembly at its next session shall elect the third Associate Justice and make suitable provision for accomplishing the classification above directed.

SEC. 4. The Supreme Court shall have power to issue writs or orders of injunction, mandamus, quo warranto, prohibition, certiorari, habeas corpus and other original and remedial writs. And said Court shall have appellate jurisdiction only in cases of chancery, and in such appeals they shall review the findings of fact as well as the law, except in chancery cases where the facts are settled by a jury and the verdict not set aside, and shall constitute a Court for the correction of errors at law under such regulations as the General Assembly may by law prescribe.

SEC. 5. The Supreme Court shall be held at least twice in each year at the seat of government and at such other place or places in the State as the General Assembly may direct.

SEC. 6. No Judge shall preside at the trial of any cause in the event of which he may be interested, or when either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior Court. In case all or any of the Justices of the Supreme Court shall be thus disqualified, or be otherwise prevented from presiding in any cause or causes, the Court or the Justices thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court. The General Assembly shall provide by law for the temporary appointment of men learned in the law to hold either special or regular terms of the Circuit Courts whenever there may be necessity for such appointment.

SEC. 7. There shall be appointed by the Justices of the Supreme Court a Reporter and a Clerk of said Court, who shall hold their offices for four years, and whose duties and compensation shall be prescribed by law.

SEC. 8. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in the cause and fairly arising upon the record of the case shall be considered and decided, and the reason thereof shall be concisely and briefly stated in writing and preserved with the record of the case.

SEC. 9. The Justices of the Supreme Court and Judges of the Circuit Court shall each receive compensation for their services to be fixed by law which shall not be increased or diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power.

SEC. 10. No person shall be eligible to the office of Chief Justice, Associate Justice or Judge of the Circuit Court who is not at the time of his election a citizen of the United States and of this State, and has not attained the age of twenty-six years, has not been a licensed attorney at law for at least five years and been a resident of this State for five years next preceding his election.

SEC. 11. All vacancies in the Supreme Court or inferior tribunals shall be filled by elections as herein prescribed: Provided, That if the unexpired term does not exceed one year such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace through

[3] Amendment proposed by the general assembly of 1910, adopted by the electors on November 8, 1910, and ratified by the general assembly of 1911. The amendment increased the number of associate judges from three to four, and increased the length of their terms from eight to ten years.

out the State; and when a vacancy is filled by either appointment or election, he incumbent shall hold only for the unexpired term of his predecessor.

SEC. 12. In all cases decided by the Supreme Court the concurrence of hree of the Justices shall be necessary for a reversal of the judgment below, subject to the provisions hereinafter prescribed. Whenever, upon the hearing of any cause or question before the Supreme Court, in the exercise of its riginal or appellate jurisdiction, it shall appear to the Justices thereof, or any three of them, that there is involved a question of constitutional law, or of conflict between the Constitution and laws of this State and of the United States, or between the duties and obligations of her citizens under the same, upon the determination of which the entire Court is not agreed; or whenever he Justices of said Court, or any two of them, desire it on any cause or question so before said Court, the Chief Justice, or in his absence the presiding Associate Justice, shall call to the assistance of the Supreme Court all of the Judges of the circuit Courts: Provided, however, That when the matter to be submitted is involved in an appeal from the Circuit Court, the Circuit Judge who tried the cause shall not sit. A majority of the Justices of the Supreme Court and Circuit Judges shall constitute a quorum. The decision of the Court so constituted, or a majority of the Justices and Judges sitting, shall be final and conclusive. In such case the Chief Justice, or in his absence the presiding Associate Justice, shall preside. Whenever the Justices of the Supreme Court and the Circuit Judges meet together for the purposes aforesaid, if the number thereof qualified to sit constitute an even number, then one of the Circuit Judges must retire; and the Circuit Judges present shall determine by lot which of their number shall retire.[4]

SEC. 13. The State shall be divided into as many Judicial Circuits as the General Assembly may prescribe, and for each Circuit a Judge shall be elected by joint viva voce vote of the General Assembly, who shall hold his office for a term of four years; and at the time of his election he shall be an elector of the County of, and during his continuance in office he shall reside in, the Circuit of which he is Judge. The present Judges of the Circuit Courts shall continue in office until the expiration of the term for which they were elected, and, should a new division of the Judicial Circuits be made, shall be the Judges of the respective Circuits in which they shall reside after said division.

SEC. 14. Judges of the Circuit Courts shall interchange Circuits with each other, and the General Assembly shall provide therefor.

SEC. 15. The Courts of Common Pleas shall have original jurisdiction, subject to appeal to the Supreme Court, to issue writs or orders of injunction, mandamus, habeas corpus, and such other writs as may be necessary to carry their powers into full effect. They shall have jurisdiction in all civil cases. They shall have appellate jurisdiction in all cases within the jurisdiction of inferior Courts, except from such inferior Courts from which the General Assembly shall provide an appeal directly to the Supreme Court.

SEC. 16. The Court of Common Pleas shall sit in each County in this State at least twice in every year at such stated times and places as may be appointed by law.

SEC. 17. It shall be the duty of the Justices of the Supreme Court to file their decisions within sixty days from the last day of the Court at which the cases were heard; and the duty of the Judges of the Circuit Courts to file their decisions within sixty days from the rising of the last Court of the Circuit then being held.

SEC. 18. The Court of General Sessions shall have jurisdiction in all criminal cases except those cases in which exclusive jurisdiction shall be given to inferior Courts, and in these it shall have appellate jurisdiction. It shall also have concurrent jurisdiction with, as well as appellate jurisdiction from, the inferior Courts in all cases of riot, assault and battery, and larceny. It shall sit in each County in the State at least twice in each year at such stated times and places as the General Assembly may direct.

[4] Amendment proposed by the general assembly of 1910, adopted by the electors November 8, 1910, and ratified by the general assembly of 1911.

SEC. 19. The Court of Probate shall remain as now established in the County of Charleston. In all other Counties of the State the jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower, in case of idiocy and lunacy, and persons non compos mentis, shall be vested as the General Assembly may provide, and until such provision such jurisdiction shall remain in the Court of Probate as now established.

SEC. 20. A sufficient number of Magistrates shall be appointed and commissioned by the Governor, by and with the advice and consent of the Senate for each County, who shall hold their offices for the term of two years and until their successors are appointed and qualified. Each Magistrate shall have the power, under such regulations as may now or hereafter be provided by law, to appoint one or more Constables to execute writs and processes issued by him. The present Trial Justices are declared Magistrates as herein created and shall exercise the powers and duties of said office of Magistrate until their successors shall be appointed and qualified. Each Magistrate shall receive a salary, to be fixed by the General Assembly, in lieu of all fees in criminal cases.

SEC. 21. Magistrates shall have jurisdiction in such civil cases as the General Assembly may prescribe: Provided, Such jurisdiction shall not extend to cases where the value of property in controversy, or the amount claimed exceeds one hundred dollars, or to cases where the title to real estate is in question, or to cases in chancery. They shall have exclusive jurisdiction in such criminal cases as the General Assembly may prescribe: Provided, further, Such jurisdiction shall not extend to cases where the punishment exceeds a fine of one hundred dollars or imprisonment for thirty days. In criminal matters beyond their jurisdiction to try, they shall sit as Examining Courts, and commit, discharge or, except in capital cases, recognize persons charged with such offenses, subject to such regulations as the General Assembly may provide. They shall also have the power to bind over to keep the peace and for good behavior for a time not to exceed twelve months.

SEC. 22. All persons charged with an offense shall have the right to demand and obtain a trial by jury. The jury in cases civil or criminal in the municipal Courts, and Courts inferior to Circuit Courts shall consist of six. The grand jury of each County shall consist of eighteen members, twelve of whom must agree in a matter before it can be submitted to the Court.

The petit jury of the Circuit Court shall consist of twelve men, all of whom must agree to a verdict in order to render the same.

Each juror must be a qualified elector under the provisions of this Constitution, between the ages of twenty-one and sixty-five years and of good moral character.

SEC. 23. Every civil action cognizable by Magistrates shall be brought before a Magistrate in the County where the defendant resides, and every criminal action in the County where the offense was committed. In all cases tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law: Provided, That in Counties where Magistrates have separate and exclusive territorial jurisdiction criminal cases shall be tried in the Magistrate's district where the offense was committed, subject to such provision for change of venue from one Magistrate's district to another in the same County as may be provided by the General Assembly.

SEC. 24. All officers other than those named in Section nine provided for in this Article shall receive for their services such compensation as the General Assembly may from time to time by law direct.

SEC. 25. Each of the Justices of the Supreme Court and Judges of the Circuit Court shall have the same power at chambers to issue writs of habeas corpus, mandamus, quo warranto, certiorari, prohibition and interlocutory writs or orders of injunction as when in open Court. The Judges of the Circuit Courts shall have such powers at chambers as the General Assembly may provide.

SEC. 26. Judges shall not charge juries in respect to matters of fact, but shall declare the law.

SEC. 27. There shall be elected in each County, by the electors thereof, one erk for the Court of Common Pleas, who shall hold his office for the term of ir years, and until his successor shall be elected and qualified. He shall by rtue of his office, be Clerk of all other Courts of record held therein, but the neral Assembly may provide by law for the election of a Clerk, with a like m of office, for each or any other of the Courts of record, and may authorize Judge of the Probate Court to perform the duties of Clerk for his Court der such regulations as the General Assembly may direct. Clerks of Courts ll be removable for such cause and in such manner as shall be prescribed law.

SEC. 28. There shall be an Attorney General for the State, who shall per- m such duties as may be prescribed by law. He shall be elected by the alified electors of the State for the term of two years, and shall receive for services such compensation as shall be fixed by law.

SEC. 29. There shall be one Solicitor for each Circuit, who shall reside rein, to be elected by the qualified electors of the Circuit, who shall hold his ce for the term of four years, and shall receive for his services such com- nsation as shall be fixed by law. In all cases when an Attorney for the ate of any Circuit fails to attend and prosecute according to law, the Court all have power to appoint an Attorney pro tempore. In the event of the ablishment of County Courts the General Assembly may provide for one licitor for each County in the place and instead of the Circuit Solicitor, and y prescribe his powers, duties and compensation.

SEC. 30. The qualified electors of each County shall elect a Sheriff and roner for the term of four years, and until their successors are elected and alified; they shall reside in their respective Counties during their continu- ce in office and be disqualified for the office a second time if it should appear t they, or either of them, are in default for moneys collected by virtue of ir respective offices.

SEC. 31. All writs and processes shall run and all prosecutions shall be nducted in the name of the State of South Carolina; all writs shall be ested by the Clerk of the Court from which they shall be issued; and all dictments shall conclude "against the peace and dignity of the State."

SEC. 32. The General Assembly shall provide by law for the speedy publi- tion of the decisions of the Supreme Court made under this Constitution.

SEC. 33. Circuit Courts and all Courts inferior thereto and municipal urts shall have the power, in their discretion, to impose sentence of labor on highways, street and other public works upon persons by them sentenced imprisonment.

SEC. 34. All matters, civil and criminal, now pending within the jurisdic- n of any of the Courts of this State shall continue therein until disposed according to law.

ARTICLE VI.

JURISPRUDENCE.

SECTION 1. The General Assembly shall pass laws allowing differences to decided by arbitrators, to be appointed by the parties who may choose that de of adjustment.

SEC. 2. It shall be the duty of the General Assembly to pass laws for change of venue in all cases, civil and criminal, over which the Circuit urts have original jurisdiction, upon a proper showing, supported by affi- t, that a fair and impartial trial cannot be had in the County where h action or prosecution was commenced. The State shall have the same ht to move for a change of venue that a defendant has for such offensees the General Assembly may prescribe. Unless a change of venue be had der the provisions of this Article the defendant shall be tried in the County re the offense was committed: Provided, however, That no change of ue shall be granted in criminal cases until after a true bill has been nd by the grand jury: And provided, further, That if a change be ordered shall be to a County in the same Judicial Circuit.

SEC. 3. Justice shall be administered in a uniform mode of pleading w out distinction between law and equity.

SEC. 4. Every Statute shall be a public law, unless otherwise declared the Statute itself.

SEC. 5. The General Assembly, at its first session after the adoption this Constitution, shall provide for the appointment or election of a Comm sioner, whose duty it shall be to collect and revise all the General Statute of this State then of force as well as that which shall be passed from time time, and to properly index and arrange the said Statutes when so passed. the said Commissioner shall reduce into a systematic Code the general statu including the Code of Civil Procedure, with all the amendments thereto, shall, on the first day of the session for the year nineteen hundred and and at the end of every subsequent period of not more than ten years, re the result of his labors to the General Assembly, with such recommendati and suggestions as to the abridgment and amendments as may be dee necessary or proper. Said report, when ready to be made, shall be pri and a copy thereof laid upon the desk of each member of both houses of General Assembly on the first day of the first session, but shall not be ta up for consideration until the next session of said General Assembly. said Code shall be declared by the General Assembly, in an Act passed acc ing to the forms in this Constitution for the enactment of laws, to be the general statutory law of the State; but no alterations or additions to an the laws therein contained shall be made except by Bill passed under formalities heretofore prescribed for the passage of laws. Provision shal made by law for filling vacancies, regulating the terms of office and the pensation of said Commissioner, not exceeding five hundred dollars per an and imposing such other duties as may be desired. And the General Asse shall by committee inquire into the progress of his work at each session.

SEC. 6. In the case of any prisoner lawfully in the charge, custody or trol of any officer, State, County or municipal, being seized and taken f said officer through his negligence, permission or connivance, by a mo other unlawful assemblage of persons, and at their hands, suffering b violence or death, the said officer shall be deemed guilty of a misdemea and, upon true bill found, shall be deposed from his office pending his trial, upon conviction shall forfeit his office, and shall, unless pardoned by the ernor, be ineligible to hold any office of trust or profit within this State. shall be the duty of the Prosecuting Attorney within whose Circuit or Co the offense may be committed to forthwith institute a prosecution against officer, who shall be tried in such County, in the same Circuit, other than one in which the offense was committed, as the Attorney General may The fees and mileage of all material witnesses, both for the State and for defense, shall be paid by the State Treasurer, in such manner as may be vided by law: Provided, In all cases of lynching when death ensues, County where such lynching takes place shall, without regard to the con of the officers, be liable in exemplary damages of not less than two thou dollars to the legal representatives of the person lynched: Provided, fur That any County against which a judgment has been obtained for damage any case of lynching shall have the right to recover the amount of said ment from the parties engaged in said lynching in any Court of compe jurisdiction.

ARTICLE VII.

COUNTIES AND COUNTY GOVERNMENT.

SECTION 1. The General Assembly may establish new Counties in the lowing manner: Whenever one-third of the qualified electors within the of each section of an old County proposed to be cut off to form a new C shall petition the Governor for the creation of a new County, setting forth boundaries and showing compliance with the requirements of this Article Governor shall order an election, within a reasonable time thereafter, by qualified electors within the proposed area, in which election they shall "Yes" or "No" upon the question of creating said new County; and at the

lection the question of a name and a County seat for such County shall be ibmitted to the electors.

SEC. 2. If two-thirds of the qualified electors voting at such election shall ote "Yes" upon such questions, then the General Assembly at the next session all establish such new County: Provided, No section of the County proposed be dismembered shall be thus cut off without consent by a two-thirds vote those voting in such section; and no County shall be formed without complyg with all the conditions imposed in this Article. An election upon the quesion of forming the same proposed new County shall not be held oftener than ce in four years.

SEC. 3. No new County hereafter formed shall contain less than one ndred and twenty-fourth part of the whole number of inhabitants of the ate, nor shall it have less assessed taxable property than one and one-half illions of dollars as shown by the last tax returns, nor shall it contain less ea than four hundred square miles.

SEC. 4. No old County shall be reduced to less area than five hundred uare miles, to less assessed taxable property than two million dollars, nor to smaller population than fifteen thousand inhabitants.

SEC. 5. In the formation of new Counties no old County shall be cut thin eight miles of its court house building.

SEC. 6. All new Counties hereafter formed shall bear a just apportionent of the valid indebtedness of the old County or Counties from which they ve been formed.

SEC. 7. The General Assembly shall have the power to alter County lines any time: Provided, That before any existing County line is altered the estion shall be first submitted to the qualified electors of the territory proed to be taken from one County and given to another, and shall have received o-thirds of the votes cast: Provided, further, That the change shall not luce the County from which the territory is taken below the limits pre-ibed in Sections 3, 4 and 5 of this Article: Provided, That the proper prortion of the existing County indebtedness of the section so transferred shall assumed by the County to which the territory is transferred.

SEC. 8. No County seat shall be removed except by a vote of two-thirds the qualified electors of said County voting in an election held for that purse, but such election shall not be held in any County oftener than once in e years.

SEC. 9. Each County shall constitute one election district, and shall be ody politic and corporate.

SEC. 10. The General Assembly may provide for the consolidation of two or re existing Counties if a majority of the qualified electors of such Counties ing at an election held for that purpose shall vote separately therefor, but h election shall not be held oftener than once in four years in the same unties.

SEC. 11. Each of the several townships of this State, with names and ndaries as now established by law, shall constitute a body politic and corate, but this shall not prevent the General Assembly from organizing other wnships or changing the boundaries of those already established; and the neral Assembly may provide such system of township government as it shall nk proper in any and all the Counties, and may make special provision for nicipal government and for the protection of chartered rights and powers municipalities: Provided, That this Section shall not apply to the following wnships in the following Counties: Dunklin and Oaklawn, in the County of enville; the townships of Cokesbury, Ninety-Six and Cooper, in the County Greenwood; Sullivan Township, in the County of Laurens; Huiett and Pine ve, in the County of Saluda. That the corporate existence of said townships and the same is hereby, destroyed, and all officers under said townships abolished, and all corporate agents removed.[5]

SEC. 12. Until changed by the General Assembly, as allowed by this Con-

[5] Amendment proposed by the general assembly of 1902, adopted by the electors November 4, 1902, and ratified by the general assembly of 1903.

stitution, the boundaries of the several Counties shall remain as now esta lished, except that the boundaries of the County of Edgefield shall undergo su changes as are made necessary by the formation of a new County from a p tion of Edgefield, to be known as Saluda, the boundaries of which are set for in a Constitution ordinance. The election ordered in said ordinance for t location of its County seat shall be held under the Constitution and laws n of force. And the General Assembly shall provide for the assessment of pr erty in the County of Saluda for the fiscal year beginning January first, eig een hundred and ninety-six, and for the collection of said taxes when assess

SEC. 13. The General Assembly may at any time arrange the vario Counties into Judicial Circuits, and into Congressional Districts, including County of Saluda, as it may deem wise and proper, and may establish or al the location of voting precincts in any County.

SEC. 14. Hereafter no County lines shall be so established as to p through any incorporated city or town of this State.

ARTICLE VIII.

MUNICIPAL CORPORATIONS AND POLICE REGULATIONS.

SECTION 1. The General Assembly shall provide by general laws for organization and classification of municipal corporations. The powers of ea class shall be defined so that no such corporations shall have any powers or subject to any restrictions other than all corporations of the same class. Cit and towns now existing under special charters may reorganize under general laws of the State, and when so reorganized their special charters sh cease and determine.

SEC. 2. No city or town shall be organized without the consent of majority of the electors residing and entitled by law to vote within the dist proposed to be incorporated; such consent to be ascertained in the manner under such regulations as may be prescribed by law.

SEC. 3. The General Assembly shall restrict the powers of cities and to to levy taxes and assessments, to borrow money and to contract debts, and tax or assessment shall be levied or debts contracted except in pursuance law, for public purposes specified by law.

SEC. 4. No law shall be passed by the General Assembly granting right to construct and operate a street or other railway, telegraph, teleph or electric plant, or to erect water or gas works for public uses or to lay ma for any purpose, without first obtaining the consent of the local authorities control of the streets or public places proposed to be occupied for any s or like purposes.

SEC. 5. Cities and towns may acquire, by construction or purchase, may operate, water works systems and plants for furnishing lights, and f furnish water and lights to individuals, firms and private corporations reasonable compensation: Provided, That no such construction or purch shall be made except upon a majority vote of the electors in said cities towns who are qualified to vote on the bonded indebtedness of said cities towns.

SEC. 6. The corporate authorities of cities and towns in this State s be vested with power to assess and collect taxes for corporate purposes. taxes to be uniform in respect to persons and property within the jurisdictio the body composing the same; and all the property, except such as is exe by law, within the limits of cities and towns, shall be taxed for the paymen debts contracted under authority of law. License or privileged taxes impo shall be graduated so as to secure a just imposition of such tax upon the cla subject thereto.

SEC. 7. No city or town in this State shall hereafter incur any bon debt which, including existing bonded indebtedness, shall exceed eight per tum of the assessed value of the taxable property therein, and no such shall be created without submitting the question as to the creation thereo the qualified electors of such city or town, as provided in this Constitution such special elections; and unless a majority of such electors voting on

question shall be in favor of creating such further bonded debt, none shall be created: Provided, That this Section shall not be construed to prevent the issuing of certificates of indebtedness in anticipation of the collection of taxes for amounts actually contained or to be contained in the taxes for the year when such certificates are issued and payable out of such taxes: And provided, further, That such cities and towns shall on the issuing of such bonds create a sinking fund for the redemption thereof at maturity. Nothing herein contained shall prevent the issuing of bonds to an amount sufficient to refund bonded indebtedness existing at the time of the adoption of this Constitution: Provided, That the limitation imposed by this Section and by Section 5, Article IV, of this Constitution, shall not apply to bonded indebtedness incurred by the cities of Columbia, Rock Hill, Charleston and Florence, where the proceeds of said bonds are applied solely for the purchase, establishment, maintenance or increase of water works plants, sewerage system; and by the City of Georgetown, when the proceeds of said bonds are applied solely for the purchase, establishment, maintenance or increase of water works plant, or sewerage system, gas and electric light plants where the entire revenue arising from the operation of such plants or systems shall be devoted solely and exclusively to the maintenance and operation of the same, and where the question of incurring such indebtedness is submitted to the freeholders and qualified voters of such municipality, as provided in the Constitution, upon the question of other bonded indebtedness: Provided, further, That the limitations imposed by this Section and by Section 5, Article X, of this Constitution, shall not apply to bonded indebtedness incurred by the City of Greenville, but said city of Greenville may increase its bonded indebtedness in the manner provided in said Sections of said Article, to an amount not exceeding fifteen per cent. of the value of the taxable property therein; where the proceeds of said bonds are applied solely to the payment of past indebtedness, to expenses and liabilities incurred, or to be incurred in the improvements of streets and sidewalks, and for providing sewerage for said city, or any part thereof, for purchasing, establishing, owning, or operating water works or electric light plants: Provided, further, That the limitations imposed by this Section and by Section 5, of Article X, of this Constitution, shall not apply to the bonded indebtedness incurred by the city of Bennettsville, where the proceeds of said bonds are applied solely and exclusively for the purchase, establishment and maintenance of a water works plant or sewerage system, and where the question of incurring such indebtedness is submitted to the freeholders and qualified voters of such municipality, as provided in the Constitution upon the question of other bonded indebtedness: Provided, further, That the limitations imposed by this section and by Section 5, of Article X, of this Constitution, shall not apply to bonded indebtedness incurred by the town of Gaffney, in the county of Cherokee, when the proceeds of said bonds are applied solely and exclusively for the building, erecting, establishing and maintenance of waterworks, electric light plants, or sewerage system, and where the question of incurring such indebtedness is submitted to the qualified electors of said municipality as provided in the Constitution upon the question of bonded indebtedness: Provided, That the limitation proposed by this section and by Section 5, Article X, of this Constitution, shall not apply to bonded indebtedness incurred by the town of Darlington, where the proceeds of said bonds are applied solely for the purpose of drainage of said town and street improvements, and where the question of incurring such indebtedness is submitted to the freeholders and qualified voters of such municipality, as provided in the Constitution, upon the question of other bonded indebtedness: Provided, further, That the limitations imposed by this Section, and by Section 5, of Article X, of this Constitution, shall not apply to the bonded indebtedness incurred by the towns of Aiken, in the county of Aiken; Camden, in the county of Kershaw; Cheraw, in the county of Chesterfield; Clinton, in the county of Laurens; Edgefield, in the county of Edgefield; and St. Matthews, in the county of Calhoun, when the proceeds of said bonds are applied solely and exclusively for the building, erecting, establishing and maintenance of waterworks, electric light plants, sewerage system or streets, and where the question of incurring such indebtedness is submitted to the

qualified electors of said municipality, as provided in the Constitution upon the question of bonded indebtedness: Provided, further, That the limitations imposed by this section, and by Section 5 of Article X of this Constitution, shall not apply to the bonded indebtedness in and by any municipal corporation when the proceeds of said bonds are applied solely and exclusively for the purchase, establishment and maintenance of a waterworks plant, or sewerage system, or lighting plant, and when the question of incurring such indebtedness is submitted to the freeholders and qualified voters of such municipality, as provided in the Constitution, upon the question of other bonded indebtedness: Provided, further, That the limitations imposed by this section, and by Section 5, Article X, of this Constitution, shall not apply to bonded indebtedness incurred by the town of St. Matthews, but said town of St. Matthews may increase its bonded indebtedness in the manner provided in said section of said article to an amount not exceeding fifteen per cent. of the value of the taxable property therein, where the proceeds of said bonds to the amount of twenty thousand ($20,000) dollars shall be turned over by the Town Council of said town of St. Matthews to the duly appointed commissioners of the County of Calhoun for the purpose of aiding in the construction of public buildings for the County of Calhoun: Provided, further, That the limitations imposed by this section and by Section 5 of Article X of this Constitution shall not apply to the bonded indebtedness incurred by the town of Bishopville, in the county of Lee, when the proceeds of said bonds are applied exclusively to aid in the building and purchase of rights of way of the South Carolina Western Railway, or other railroad or railroads under such restrictions and limitations as the General Assembly may prescribe, and where the question of incurring such indebtedness is submitted to the qualified electors of said municipality, as provided in the Constitution, upon the question of bonded indebtedness: Provided, further, That the limitation imposed by this section and Section 5 of Article X of the Constitution, shall not apply to the bonded indebtedness incurred by the cities of Chester and Sumter, but the said cities of Chester and Sumter may increase each its bonded indebtedness to an amount not exceeding fifteen per cent. of the assessed value of the taxable property therein where said bonds are issued for the sole purpose of paying the expenses or liabilities incurred or to be incurred in the improvement of streets and sidewalks where the abutting property owners are being assessed for two-thirds or one-half of the cost thereof: Provided, further, That the limitations imposed by this section and Section 5, Article X of the Constitution, shall not apply to the bonded indebtedness incurred by the city of Florence, in the county of Florence, when the proceeds of said bonds are applied exclusively for the building, erecting, establishing, and maintaining of streets, waterworks, lighting plants, sewerage system or for the payment of debts already incurred, exclusively for any of said purposes; and when the question of incurring such indebtedness is submitted to the qualified electors of said municipality, as provided in the Constitution upon the question of bonded indebtedness: Provided, further, That the limitations imposed by this section and by Section 5 of Article X, of the Constitution, shall not apply to the bonded indebtedness incurred by the city of Anderson, but, in addition to the powers now possessed, said city of Anderson may increase its bonded indebtedness in the manner provided in said Section 7 of Article VIII, to an amount not exceeding fifteen per cent. of the value of the taxable property therein, where the proceeds of said bonds are applied to the payment of past indebtedness, to the expenses and liabilities incurred or to be incurred in the improvement of streets, sidewalks or other public places, or the purchase, establishment, maintenance, operation or increase of a city market or a public park or parks, or any corporate purpose. But nothing herein contained shall be construed to limit the operation of the amendment to Section 7 of Article VIII, of the Constitution, approved February third, 1911, which said amendment reads as follows: "Provided, further, That the limitations imposed by this section and by Section 5 of Article X, of this Constitution, shall not apply to the bonded indebtedness in and by any municipal corporation when the proceeds of the bonds are applied solely and exclusively for the purchase, establishment and maintenance of a waterworks plant

or sewerage system, or lighting plant, and when the question of incurring such indebtedness is submitted to the free-holders and qualified voters of such municipality, as provided in the Constitution, upon the question of other bonded indebtedness," and said amendment shall remain in full force and effect.[6]

SEC. 8. Cities and towns may exempt from taxation, by general or special ordinance, except for school purposes, manufactories established within their limits for five successive years from the time of the establishment of such manufactories: Provided, That such ordinance shall be first ratified by a majority of such qualified electors of such city or town as shall vote at an election held for that purpose.

SEC. 9. No armed police force or representatives of a detective agency shall ever be brought into this State for the suppression of domestic violence; nor shall any other armed or unarmed body of men be brought in for that purpose, except upon the application of the General Assembly or of the Executive of this State (when the General Assembly is not in session), as provided in the Constitution of the United States. The General Assembly shall provide proper penalties for the enforcement of the provisions of this Section.

SEC. 10. It shall be the duty of the General Assembly to create Boards of Health wherever they may be necessary, giving to them power and authority to make such regulations as shall protect the health of the community and abate nuisances.

SEC. 11. In the exercise of the police power the General Assembly shall have the right to prohibit the manufacture and sale and retail of alcoholic liquors or beverages within the State. The General Assembly may license persons or corporations to manufacture and sell and retail alcoholic liquors or beverages within the State under such rules and regulations as it deems proper; or the General Assembly may prohibit the manufacture and sale and retail of alcoholic liquors and beverages within the State, and may authorize and empower State, County and municipal officers, all or either, under the authority and in the name of the State, to buy in any market and retail within the State liquors and beverages in such packages and quantities, under such rules and regulations, as it deems expedient: Provided, That no license shall be granted to sell alcoholic beverages in less quantities than one-half pint, or to sell them between sundown and sunrise, or to sell them to be drunk on the premises: And provided, further, That the General Assembly shall not delegate to any municipal corporation the power to issue licenses to sell the same.

SEC. 12. All prize-fighting is prohibited in this State, and the General Assembly shall provide by proper laws for the prevention and punishment of the same.

ARTICLE IX.

CORPORATIONS.

SECTION 1. The term corporation as used in this Article includes all associations and joint stock companies having powers and privileges not possessed by individuals or partnerships, and excludes municipal corporations.

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[6] Section 7 has been amended thirteen times; the first amendment was proposed by the general assembly of 1900, adopted by the electors on November 6, 1900, and ratified by the general assembly of 1901; the second amendment was proposed by the general assembly of 1904, adopted by the electors on November 8, 1904, and ratified by the general assembly of 1905; the third amendment was proposed by the general assembly of 1905, adopted by the electors on November 6, 1906, and ratified by the general assembly of 1907; the fourth amendment was proposed by the general assembly of 1908, adopted by the electors on November 3, 1908, and ratified by the general assembly of 1909; the general assembly of 1910 proposed four amendments to this section which were adopted by the electors on November 8, 1910, and ratified by the general assembly of 1911; the ninth amendment was proposed by the general assembly of 1912, adopted by the electors on November 5, 1912, and ratified by the general assembly of 1913; the general assembly of 1914 proposed three amendments, which were adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915; the thirteenth amendment was proposed by the general assembly of 1916, adopted by the electors on November 7, 1916, and ratified by the general assembly of 1917. The section has been amended entirely by the successive addition of a series of provisos. In the first amendment to this section, in 1901, Article IV is written inadvertently for Article X; this error was held nugatory in *Bray v. City Council*, 62 S. C. 57, 39 S. E. 10.

SEC. 2. No charter of incorporation shall be granted, changed or amended by special law, except in the case of such charitable, educational, penal or reformatory corporations as may be under the control of the State, or may be provided for in this Constitution, but the General Assembly shall provide by general laws for changing or amending existing charters, and for the organization of all corporations hereafter to be created, and any such law so passed, as well as all charters now existing or hereafter created, shall be subject to future repeal or alteration: Provided, That the General Assembly may by a two-thirds vote of each house on a concurrent resolution allow a Bill for a special charter to be introduced, and when so introduced may pass the same as other Bills.

SEC. 3. All railroad, express, canal and other corporations engaged in transportation for hire, and all telegraph and other corporations engaged in the business of transmitting intelligence for hire are common carriers in their respective lines of business, and are subject to liability and taxation as such. It shall be unlawful for any such corporation to make any contract relieving it of its common law liability or limiting the same, in reference to the carriage of passengers.

SEC. 4. Every corporation organized or doing business in this State, other than religious, educational or benevolent associations, shall have and maintain at least one agent in this State upon whom process may be served, and at least one public office for the transaction of its business: Provided, This section shall not apply to mercantile corporations: Provided, That nothing contained in this Section shall be construed to prohibit the General Assembly from providing for the service of process on any agent of a corporation so as to bind such corporation.

SEC. 5. No discrimination in charges of facilities for transportation of the same classes of freight or passengers, or for the transmission of intelligence within this State, or coming from or going to any other State, shall be made by any railroad or other transportation or transmission company between places or persons.

Persons and property transported by any railroad or any other transportation or transmission company or corporation, shall be delivered at any station landing or port at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, landing or port. Excursion and commutation tickets may be issued at special rates. This Section shall not prevent the Railroad Commission from making such competitive rates as shall, in their judgment, be just and equitable between the railroads and the public, at all junctional and competitive points or at points where water competition controls the traffic or at points where the competition of points located in other States may make necessary the prescribing of different rates for the protection of the commerce of this State.

SEC. 6. Any railroad or other transportation corporation, and any telegraph or other transmitting corporation, organized under the laws of this State shall have the right to connect its roads or lines, at the State line, with those in other States, and shall have the right to intersect with or cross any other railroad, street railway, transportation road or transmitting line, and shall each receive and transport the freight, passengers, cars (loaded or empty) and messages delivered to it by another without delay or discrimination.

SEC. 7. No railroad, or other transportation company, and no telegraph or other transmitting corporation, or the lessees, purchasers or managers of any such corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or franchises of, or in any way control, any other railroad or other transportation, telegraph or other transmitting company owning or having under its control a parallel or competing line; and the question whether railroads or other transportation, telegraph or other transmitting companies are parallel or competing lines shall when demanded by the party complainant, be decided by a jury as in other civil causes.

SEC. 8. The General Assembly shall not grant to any foreign corporation

or association a license to build, operate or lease any railroad in this State; but in all cases where a railroad is to be built or operated, or is now being operated, in this State, and the same shall be partly in this State and partly in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws of this State; nor shall any foreign corporation or association lease or operate any railroad in this State, or purchase the same or any interest therein. Consolidation of any railroad lines and corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this State. No general or special law shall ever be passed for the benefit of any foreign corporation operating a railroad under an existing license of this State or under any existing lease, and no grant of any right or privilege and no exemption from any burden shall be made to any such foreign corporation, except upon the condition that the owners or stockholders thereof shall first organize a corporation in this State under the laws thereof, and shall thereafter operate and manage the same and the business thereof under said domestic charter.

SEC. 9. The General Assembly shall have no power to grant any special charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, with such privileges, powers and limitations, not inconsistent with this Constitution, as it may deem proper. The General Assembly shall provide by law for the thorough examination and inspection of all banking and fiscal corporations of this State.

SEC. 10. Stock or bonds shall not be issued by any corporation save for labor done, or money or property actually received or subscribed; and all fictitious increase of stock or indebtedness shall be void.

SEC. 11. The General Assembly shall provide by law for the election of directors, trustees or managers of all corporations so that each stockholder shall be allowed to cast, in person or by proxy, as many votes as the number of shares he owns multiplied by the number of directors, trustees or managers to be elected, the same to be cast for any one candidate or to be distributed among two or more candidates.

SEC. 12. Corporations shall not engage in any business except that specifically authorized by their charters or necessarily incident thereto.

SEC. 13. The General Assembly shall enact laws to prevent all trusts, combinations, contracts and agreements against the public welfare; and to prevent abuses, unjust discriminations and extortion in all charges of transporting and transmitting companies; and shall pass laws for the supervision and regulation of such companies by commission or otherwise, and shall provide adequate penalties to the extent, if necessary for that purpose, of forfeiture of their franchises.

SEC. 14. A Commission is hereby established to be known as "The Railroad Commission," which shall be composed of not less than three members, whose powers over all transporting and transmitting corporations, and duties, manner of election and term of office shall be regulated by law; and until otherwise provided by law the said Commissioners shall have the same powers and jurisdiction, perform the same duties and receive the same compensation as now conferred, prescribed and allowed by law to the existing Railroad Commissioners: Provided, That the members thereof shall be elected at the expiration of the terms of the present Railroad Commissioners, who are hereby continued in office for the terms for which they were elected.

SEC. 15. Every employee of any railroad corporation shall have the same rights and remedies for any injury suffered by him from the acts or omissions of said corporation or its employees, as are allowed by law to other persons not employees, when the injury results from the negligence of a superior agent or officer, or of a person having a right to control or direct the services of a party injured, and also when the injury results from the negligence of a fellow servant engaged in another department of labor from that of the party injured, or of a fellow servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances shall be no defence to an action for injury

caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, expressed or implied, made by any employee to waive the benefit of this Section shall be null and void; and this Section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any remedy or right that he now has by the law of the land. The General Assembly may extend the remedies herein provided for to any other class of employees.

SEC. 16. All existing charters or grants of corporate franchise under which organizations have not in good faith taken place at the adoption of this Constitution shall be subject to the provisions of this Article.

SEC. 17. The General Assembly shall never remit the forfeiture of the franchise of any corporation now chartered, nor alter nor amend the charter thereof, nor pass any general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter and franchise subject to the provisions of this Constitution, and the acceptance by any corporation of any provision of any such laws or the taking of any benefit or advantage from the same shall be conclusively held an agreement by such corporation to hold its charter and franchise under the provisions of this Article.

SEC. 18. The stockholders of all insolvent corporations shall be individually liable to the creditors thereof only to the extent of the amount remaining due to the corporation upon the stock owned by them: Provided, That stockholders in banks or banking institutions shall be liable to depositors therein in a sum equal in amount to their stock over and above the face value of the same.

SEC. 19. Nothing prohibited in this Article shall be permitted to be done by any corporation or company, persons or person, either for its or their own benefit or otherwise, by its or their holding or controlling in its or their own name or otherwise, or in the name of any other person or persons, or other corporation or company whatsoever, a majority of the capital stock, or of bonds having voting power, of any railroad or transportation company, or corporation created by or existing under the laws of this State, or doing business within this State.

SEC. 20. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made to the owner or secured by a deposit of money irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men in a Court of record, as shall be prescribed by law.

SEC. 21. The General Assembly shall enforce the provisions of this Article by appropriate legislation.

ARTICLE X.

FINANCE AND TAXATION.

SECTION 1. The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe regulations to secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the products of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes: Provided, however, That the General Assembly may impose a capitation tax upon such domestic animals as from their nature and habits are destructive of other property: And provided, further, That the General Assembly may provide for a graduated tax on incomes, and for a graduated license on occupations and business.

SEC. 2. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year, and whenever it shall happen that the ordinary expenses of the State for any year shall exceed the income of the State for such year the General Assembly shall provide

for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year.

SEC. 3. No tax shall be levied except in pursuance of a law which shall distinctly state the object of the same; to which object the tax shall be applied.

SEC. 4. There shall be exempted from taxation all County, township and municipal property used exclusively for public purposes and not for revenue, and the property of all schools, colleges and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, except where the profits of such institutions are applied to private uses; all public libraries, churches, parsonages and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State, County or municipal taxation: Provided, That as to real estate this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches, parsonages and burial grounds, although connected with charitable objects.

SEC. 5. The corporate authorities of Counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. All shares of the stockholders in any bank or banking association located in this State, whether now or hereafter incorporated, or organized under the laws of this State or of the United States, shall be listed at their true value in money, and taxed for municipal purposes in the city, ward, town or incorporated village, where such bank is located, and not elsewhere: Provided, That the words "true value in money" as used in line 12 of this Section[7] shall be so construed as to mean and include all surplus or extra moneys, capital and every species of personal property of value owned or in possession of any such bank: Provided, A like rule of taxation shall apply to the stockholders of all corporations other than banking institutions. And the General Assembly shall require that all the property, except that herein permitted to be exempted within the limits of municipal corporations, shall be taxed for corporate purposes and for the payment of debts contracted under authority of law. The bonded debt of any County, township, school district, municipal corporation or political division or subdivision of this State shall never exceed eight per centum of the assessed value of all the taxable property therein. And no County, township, municipal corporation or other political division of this State shall hereafter be authorized to increase its bonded indebtedness if at the time of any proposed increase thereof the aggregate amount of its already existing bonded debt amounts to eight per centum of the value of all taxable property therein as ascertained by the valuation for State taxation.

And wherever there shall be several political divisions or municipal corporations covering or extending over the same territory or portions thereof, possessing a power to levy a tax or contract a debt, then each of such political divisions or municipal corporations shall so exercise its power to increase its debt under the foregoing eight per cent. limitation that the aggregate debt over and upon any territory of this State shall never exceed fifteen per centum of the value of all taxable property in such territory as valued for taxation by the State: Provided, That nothing herein shall prevent the issue of bonds for the purpose of paying or refunding any valid municipal debt heretofore contracted in excess of eight per centum of the assessed value of all the taxable property therein: Provided, further, That the limitations imposed by this Section shall not apply to the Charleston School District, comprised within the present limits of the City of Charleston, such School District being hereby expressly authorized to vote Bonds to an amount not exceeding Two Hundred and Fifty Thousand ($250,000.00) Dollars, the proceeds of such Bonds to be applied solely to the erection and maintenance of school

[7] Line 12 of the original manuscript and line 7 as printed.

buildings in said District, under such restrictions and limitations as the General Assembly may prescribe, and where the question of incurring such indebtedness is submitted to the qualified electors of said School District, as provided in the Constitution, upon the question of Bonded Indebtedness.[8]

SEC. 6. The credit of the State shall not be pledged or loaned for the benefit of any individual, company, association or corporation; and the State shall not become a joint owner of or stockholder in any company, association or corporation. The General Assembly shall not have power to authorize any County or township to levy a tax or issue bonds for any purpose except for educational purposes, to build and repair public roads, buildings and bridges, to maintain and support prisoners, pay jurors, County officers, and for litigation, quarantine and Court expenses, and for ordinary County purposes, to support paupers, and pay past indebtedness: Provided, That the limitation imposed by this section shall not apply to any township in the County of Greenwood, nor to any township in the County of Saluda, through which, in whole or in part, the line of railroad of Greenwood and Saluda Railroad shall be located and constructed, nor to the County of Saluda, such said townships in Greenwood County and Saluda County, and the County of Saluda, being hereby expressly authorized to vote bonds in aid of the construction of the said proposed railroad under such restrictions and limitations as the General Assembly may prescribe hereinafter: Provided, That the amount of such bonds shall not exceed eight per centum of the assessed valuation of the taxable property of such townships.[9]

SEC. 7. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock, bonds or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution.

SEC. 8. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly, in such manner as may by law be directed.

SEC. 9. Money shall be drawn from the Treasury only in pursuance of appropriations made by law.

SEC. 10. The fiscal year shall commence on the first day of January in each year.

SEC. 11. To the end that the public debt of South Carolina may not hereafter be increased without the due consideration and free consent of the people of the State, the General Assembly is hereby forbidden to create any further debt or obligation, either by the loan of the credit of the State, by guaranty, endorsement or otherwise, except for the ordinary and current business of the State, without first submitting the question as to the creation of such new debt, guaranty, endorsement or loan of its credit to the qualified electors of this State at a general State election; and unless two-thirds of the qualified electors of this State, voting on the question, shall be in favor of increasing the debt, guaranty, endorsement or loan of its credit, none shall be created or made. And any debt contracted by the State shall be by loan on State bonds, of amounts not less than fifty dollars each, bearing interest, payable not more than forty years after final passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as to always exhibit the number and amount unpaid, and to whom severally made payable. And the General Assembly shall levy an annual tax sufficient to pay the annual interest on said bonds.

SEC. 12. Suitable laws shall be passed by the General Assembly for the safe-keeping, transfer and disbursement of the State, County and school funds; and all officers and other persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer, and shall

[8] Amendment proposed by the general assembly of 1916, adopted by the electors on November 7, 1916, and ratified by the general assembly of 1917. The last proviso is the amendment.

[9] Amendment proposed by the general assembly of 1910, adopted by the election on November 8, 1910, and ratified by the general assembly of 1911. The proviso only is the amendment.

give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment, proportioned to the amount of the deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State: Provided, however, That the General Assembly, by a two-thirds vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

SEC. 13. The General Assembly shall provide for the assessment of all property for taxation; and State, County, township, school, municipal and all other taxes shall be levied on the same assessment, which shall be that made for State taxes; and the taxes for the subdivisions of the State shall be levied and collected by the respective fiscal authorities thereof.

SEC. 14. The General Assembly may authorize the corporate authorities of the cities of Greenville, Spartanburg and Columbia, and the town of Manning, to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks immediately abutting such property: Provided, That said improvements be ordered only upon the written consent of two-thirds of the owners of the property abutting upon the street, sidewalk or part of either proposed to be improved, and upon condition that said corporate authorities shall pay at least one-half of the costs of such improvements.[10]

SEC. 14a. The General Assembly may authorize the corporate authorities of the cities of Charleston and Beaufort to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks immediately abutting such property: Provided, That said improvements be ordered only upon the written consent of two-thirds of the owners of the property abutting upon the street, sidewalk, or part of either, to be improved, and upon condition that said corporate authorities shall pay at least one-half of the costs of such improvements.[11]

SEC. 15. The General Assembly may authorize the corporate authorities of the towns of Gaffney and Woodruff and the cities of Chester and Georgetown to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks, or streets or sidewalks, immediately abutting such property: Provided, That such improvements be ordered only upon the written consent of a majority of the owners of the property abutting upon the streets or sidewalks, or part of either proposed to be improved, and upon the condition that the corporate authorities shall pay at least one-half of the costs of such improvements.[12]

SEC. 15a. The General Assembly may authorize the corporate authorities of the towns of Latta and Dillon to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks, or streets or sidewalks, immediately abutting such property: Provided, That said improvements be ordered only upon the written consent of two-thirds of the owners of property abutting upon the streets or sidewalks, and upon the condition that the corporate authorities shall pay at least one-half of the cost of such improvements.[13]

SEC. 16. The General Assembly may authorize the corporate authorities of the cities of Sumter and Darlington and the towns of Walhalla and Belton to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks or streets or sidewalks im-

[10] Section 14 is a new section; it was proposed by the general assembly of 1910, adopted by the electors on November 8, 1910, and ratified by the general assembly of 1911.

[11] Section 14a is a new section; it was proposed by the general assembly of 1912, adopted by the electors on November 5, 1912, and ratified by the general assembly of 1913.

[12] Section 15 is a new section; it was proposed by the general assembly of 1912, adopted by the electors on November 5, 1912, and ratified by the general assembly of 1913.

[13] Section 15a is a new section; it was proposed by the general assembly of 1914, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915.

mediately abutting said property: Provided, That said improvements shall be ordered only upon the written consent of one-half of the owners of the property abutting upon the street, sidewalk, or parts of either, proposed to be improved, and upon condition that said assessment abutting property owners shall not exceed one-half of the cost of such improvements, except in the city of Sumter, where the corporate authorities shall pay at least one-third of the cost of such improvements, and the abutting property owners not exceeding two-thirds of the cost thereof.[14]

SEC. 16. The General Assembly may authorize the cities of Anderson, Greenwood and towns of Bennettsville, Timmonsville and Honea Path to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks immediately abutting such property: Provided, That said improvements be ordered only upon written consent of a majority of the owners of property abutting upon the street, sidewalk or part of either proposed to be improved, and upon condition that said corporate authorities shall pay at least one-half of the costs of such improvements.[15]

SEC. 16. The General Assembly may authorize the corporate authorities of the cities of Florence and Orangeburg and the town of Landrum to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets immediatey abutting such property: Provided, That the said improvements be ordered only on the written consent of a majority of the owners of the property abutting upon the street, sidewalk, or part of either, proposed to be improved, and upon the condition that said corporate authorities shall pay at least one-third of the costs of said improvements.[16]

SEC. 17. The General Assembly may authorize the corporate authorities of the town of Fort Mill to levy an assessment upon abutting property for the purpose of paying for permanent improvements on streets and sidewalks, or streets or sidewalks, immediately abutting such property: Provided, That said improvements be ordered only upon the written consent of two-thirds of the owners of property abutting upon the streets or sidewalks, and upon the condition that the corporate authorities shall pay at least one-half of the cost of such improvements.[17]

SEC. 18. The General Assembly may authorize the town of Clinton and the city of Easley to levy an assessment upon abutting property to pay for permanent improvements on streets and sidewalks immediately abutting such property: Provided, That said improvements be ordered only upon the written consent of a majority of the owners of property abutting upon the street [or] sidewalk, or part of either to be improved, and upon the further condition that the corporate authorities shall pay at least one-half of the costs of such improvements.[18]

ARTICLE XI.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of two years

[14] Section 16 is a new section; it was proposed by the general assembly of 1913, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915. It will be observed that there are two other sections numbered 16; this numbering occurs in the resolutions by which these amendments were proposed, and have been given accordingly.

[15] Section 16 is a new section; it was proposed by the general assembly of 1914, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915. See Note 14 concerning the numbering of this section.

[16] Section 16 is a new section; it was proposed by the general assembly of 1914, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915. See Note 14 concerning the numbering of this section.

[17] Section 17 is a new section; it was proposed by the general assembly of 1914, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915.

[18] Section 18 is a new section; it was proposed by the general assembly of 1916, adopted by the electors on November 7, 1916, and ratified by the general assembly of 1917.

by the qualified electors of the State, in such manner and at such times as the other State officers are elected; his powers, duties and compensation shall be defined by the General Assembly.

SEC. 2. There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and not exceeding seven persons to be appointed by the Governor every four years, of which Board the Governor shall be Chairman, and the State Superintendent of Education, Secretary. This Board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

SEC. 3. The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

SEC. 4. The salaries of the State and County school officers and compensation of County Treasurers for collecting and disbursing school moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

SEC. 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the Counties into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: Provided, That in cities of ten thousand inhabitants and over, this limitation of area shall not apply: Provided, further, That when any school district laid out under this Section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: Provided, further, That nothing in this Article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the Counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.

SEC. 6. The existing County Boards of Commissioners of the several Counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all taxable property in their respective Counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the County treasury of the respective Counties; and the said fund shall be apportioned among the school districts of the County in proportion to the number of pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the Trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The General Assembly shall define "enrollment." Not less than three Trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly: Provided, The manner of the selection of said Trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the age of fifty years,) an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three

dollars per capita of the number of children enrolled in the public schools of each County for the scholastic year ending the thirty-first day of October in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller-General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the Counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective Counties, in proportion to the respective deficiencies therein, on the warrant of the Comptroller-General, and shall be apportioned among the school districts of the Counties, and disbursed as other school funds; and from and after the thirty-first day of December, in the year eighteen hundred and ninety-eight, the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Boards of Commissioners or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the Counties in proportion to the deficiencies therein and disbursed as other school funds. Any school district may by the authority of the General Assembly levy an additional tax for the support of its schools.

SEC. 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.

SEC. 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, South Caarolina School for Deaf and Blind located at Cedar Springs, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein, the proceeds realized from the landscript given by the Act of Congress, passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been, or may hereafter be, given or appropriated for educational purposes by the Congress of the United States shall be applied as directed in the Acts appropriating the same: Provided, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University, and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race, and it shall be the Colored Normal, Industrial, Agricultural and Mechanical College of this State.[19]

SEC. 9. The property or credit of the State of South Carolina, or of any County, city, town, township, school district, or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly in aid or maintenance of any college, school, hospital, orphan house or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.

SEC. 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purposes designated by the giver, unless the same be in conflict with the provisions of this Constitution.

SEC. 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the Treasury

[19] Amendment proposed by the general assembly of 1914, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915. The amendment added the expression, "South Carolina School for the Deaf and Blind, located at Cedar Springs."

of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

SEC. 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as it now or may hereafter be allowed by law to go to the Counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth Section of this Article; and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine: Provided, however, That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages are not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.

ARTICLE XII.

CHARITABLE AND PENAL INSTITUTIONS.

SECTION 1. Institutions for [the] care of the insane and the poor shall always be fostered and supported by this State and shall be subject to such regulations as the General Assembly may enact.[20]

SEC. 2. The Governor shall, with the advice and consent of the Senate, appoint a Board of Regents, consisting of five members, whose terms of office shall be so designated that the term of one member shall expire each year, subject to removal by the Governor for cause, which Board shall have charge of such institution, or institutions, as may be maintained by the State for the care of the insane. The Board of Regents shall have exclusive power to appoint, and, in its discretion, remove one superintendent thereof, and the superintendent, who shall be a physician, shall have the power, in his discretion, to appoint and remove all other officers and employees of such institution, or institutions, subject to the approval of the Board of Regents.[21]

SEC. 3. The respective Counties of this State shall make such provision as may be determined by law for all those inhabitants who by reason of age, infirmities and misfortune may have a claim upon the sympathy and aid of society.

SEC. 4. The Directors of the benevolent and penal State institutions which may be hereafter created shall be appointed or elected as the General Assembly may direct.

SEC. 5. The Directors and Superintendent of the Penitentiary shall be appointed or elected as the General Assembly may direct.

SEC. 6. All convicts sentenced to hard labor by any of the Courts in this State may be employed upon the public works of the State or of the Counties and upon the public highways.

SEC. 7. Provision may be made by the General Assembly for the establishment and maintenance by the State of a Reformatory for juvenile offenders separate and apart from hardened criminals.

SEC. 8. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid, except where otherwise provided for, with the power of removal until the next session of the General Assembly and until a successor or successors shall be appointed and confirmed.

[20] Amendment proposed by the general assembly of 1914, adopted by the electors on November 3, 1914, and ratified by the general assembly of 1915. The amendment struck out the words "blind, deaf and dumb" where they occurred in the original section after the word "insane."

[21] Amendment proposed by the general assembly of 1915, adopted by the electors on November 7, 1916, and ratified by the general assembly of 1917.

SEC. 9. The Penitentiary and the convicts thereto sentenced shall forever be under the supervision and control of officers employed by the State; and in case any convicts are hired or farmed out, as may be provided by law, their maintenance, support, medical attendance and discipline shall be under the direction of officers detailed for those duties by the authorities of the Penitentiary.

ARTICLE XIII.

MILITIA.

SECTION 1. The militia of this State shall consist of all ablebodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now or may be exempted by the laws of the United States or this State, or who from religious scruples may be averse to bearing arms, and shall be organized, officered, armed, equipped and disciplined as the General Assembly may by law direct.

SEC. 2. The volunteer and militia forces shall (except for treason, felony and breach of the peace) be exempt from arrest by warrants or other process while in active service or attending muster or the election of officers, or while going to or returning from either of the same.

SEC. 3. The Governor shall have the power to call out the volunteer and militia forces, either or both, to execute the laws, repel invasions, suppress insurrections and preserve the public peace.

SEC. 4. There shall be an Adjutant and Inspector General elected by the qualified electors of the State at the same time and in the same manner as other State officers, who shall rank as Brigadier General, and whose duties and compensation shall be prescribed by law. The Governor shall, by and with the advice and consent of the Senate, appoint such other staff officers as the General Assembly may direct.

SEC. 5. The General Assembly is hereby empowered and required, at its first session after the adoption of this Constitution, to provide such proper and liberal legislation as will guarantee and secure an annual pension to every indigent or disabled Confederate soldier and sailor of this State and of the late Confederate States who are citizens of this State, and also to the indigent widows of Confederate soldiers and sailors.

ARTICLE XIV.

EMINENT DOMAIN.

SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all navigable waters within the limits of the State, shall be common highways and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

SEC. 2. The title to all lands and other property which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats or otherwise shall vest in the State of South Carolina, the same as though no change has taken place.

SEC. 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands the title to which shall fail from defect of heirs shall revert or escheat to the people.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced; and the office shall be filled during the trial in such manner as may be provided by law.

SEC. 2. All impeachments shall be tried by the Senate, and when sitting for that purpose they shall be under oath or affirmation. No person shall be convicted except by a vote of two-thirds of all the members elected. When the Governor is impeached, the Chief Justice of the Supreme Court, or if he be disqualified, the Senior Justice shall preside, with a casting vote in all preliminary questions.

SEC. 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such cases shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law.

SEC. 4. For any wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each house of the General Assembly: Provided, That the cause or causes for which said removal may be required shall be stated at length in such address, and entered on the Journals of each house: And provided, further, That the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, or by his counsel, or by both, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the Journals of each house respectively.

ARTICLE XVI.

AMENDMENTS AND REVISION OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each house such amendment or amendments shall be entered on the Journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State at the next general election thereafter for Representatives; and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and a majority of each branch of the next General Assembly shall, after such an election and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: Provided, That such amendment or amendments shall have been read three times, on three several days, in each house.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SEC. 3. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necesary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote for or against a Convention at the next election for Representatives; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at its next session, provide by law for calling the same; and such Convention shall consist of a number of members equal to that of the most numerous branch of the General Assembly.

ARTICLE XVII.

MISCELLANEOUS MATTERS.

SECTION 1. No person shall be elected or appointed to any office in this State unless he possess the qualifications of an elector: Provided, The provisions of this Section shall not apply to the offices of State Librarian and Departmental Clerks, to either of which offices any woman, a resident of the State two years, who has attained the age of twenty-one years, shall be eligible.

SEC. 2. The General Assembly may direct by law, in what manner claims against the State may be established and adjusted.

SEC. 3. Divorces from the bonds of matrimony shall not be allowed in this State.

SEC. 4. No person who denies the existence of a Supreme Being shall hold any office under this Constitution.

SEC. 5. The printing of the laws, journals, bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the Executive and other departments of the State, shall be let on contract in such manner as shall be prescribed by law.

SEC. 6. The General Assembly shall provide for the removal of all causes which may be pending when this Constitution goes into effect to Courts created by the same.

SEC. 7. No lottery shall ever be allowed, or be advertised by newspapers, or otherwise, or its tickets be sold in this State; and the General Assembly shall provide by law at its next session for the enforcement of this provision.

SEC. 8. It shall be unlawful for any person holding an office of honor, trust or profit to engage in gambling or betting on games of chance; and any such officer, upon conviction thereof, shall become thereby disqualified from the further exercise of the functions of his office, and the office of said person shall become vacant, as in the case of resignation or death.

SEC. 9. The real and personal property of a woman held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall be her separate property, and she shall have all the rights incident to the same to which an unmarried woman or a man is entitled. She shall have the power to contract and be contracted with in the same manner as if she were unmarried.

SEC. 10. All laws now in force in this State and not repugnant to this Constitution shall remain and be enforced until altered or repealed by the General Assembly, or shall expire by their own limitations.

SEC. 11. That no inconvenience may arise from the change in the Constitution of this State, and in order to carry this Constitution into complete operation, it is hereby declared:

First. That all laws in force in this State, at the time of the adoption of this Constitution, not inconsistent therewith and constitutional when enacted, shall remain in full force until altered or repealed by the General Assembly or expire by their own limitations. All ordinances passed and ratified at this Convention shall have the same force and effect as if included in and constituting a part of this Constitution.

Second. All writs, actions, causes of action, proceedings, prosecutions, and rights of individuals, of bodies corporate and of the State, when not inconsistent with the Constitution, shall continue as valid.

Third. The provisions of all laws which are inconsistent with this Constitution shall cease upon its adoption, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in force until such legislation is had.

Fourth. All fines, penalties, forfeitures and escheats accruing to the State of South Carolina under the Constitution and laws heretofore in force shall accrue to the use of the State of South Carolina under this Constitution except as herein otherwise provided.

Fifth. All recognizances, obligations and all other instruments entered into or executed before the adoption of this Constitution to the State, or to any County, township, city or town therein, and all fines, taxes, penalties and forfeitures due or owing to this State, or to any County, township, city or town therein, and all writs, prosecutions, actions and proceedings, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments which shall have been found or may hereafter be found, for any crime or offense committed before the adoption of this Constitution may be prosecuted as if no change had been made, except as otherwise provided herein.

Sixth. All officers, State, executive, legislative, judicial, circuit, district, County, township and municipal, who may be in office at the adoption of this Constitution, or who may be elected before the election of their successors as

herein provided, shall hold their respective offices until their terms have expired and until their successors are elected or appointed and qualified as provided in this Constitution, unless sooner removed as may be provided by law; and shall receive the compensation now fixed by the Statute Laws in force at the adoption of this Constitution.

Seventh. At all elections held for members of the General Assembly in case of a vacancy, or for any other office, State, County or municipal, the qualifications of electors shall remain as they were under the Constitution of eighteen hundred and sixty-eight until the first day of November, in the year eighteen hundred and ninety-six.

Eighth. This Constitution, adopted by the people of South Carolina in Convention assembled, shall be in force and effect from and after the thirty-first day of December, in the year eighteen hundred and ninety-five.

Ninth. The provisions of the Constitution of eighteen hundred and sixty-eight and amendments thereto are repealed by this Constitution, except when re-ordained and declared herein.

[ARTICLE XVIII.]

EMINENT DOMAIN.

SECTION 1. The General Assembly shall provide by law for the condemnation, through proper official channels, of all lands necessary for the proper drainage of the swamp and low lands of this State, and shall also provide for the equitable assessment of all lands so drained, for the purpose of paying the expenses of such condemnation and drainage.[22]

Done in Convention in Columbia on the fourth day of December, in the year of our Lord one thousand eight hundred and ninety-five.

JOHN GARY EVANS,
President of the Convention.
IRA B. JONES,
Vice-President of the Convention.
W. JASPER TALBERT,
Vice-President of the Convention.

Attest: S. W. VANCE.

[22] [Article XVIII] is a new article; it was proposed by the general assembly of 1900, adopted by the electors on November 6, 1900, and ratified by the general assembly of 1901. No article or section number was assigned to this amendment by the resolution by which it was proposed; for convenience it has been placed here.

CONSTITUTION OF SOUTH DAKOTA—1889.*

PREAMBLE.

We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquility, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this Constitution for the State of South Dakota.

ARTICLE I.

NAME AND BOUNDARY.

SECTION 1. The name of the state shall be South Dakota.

SEC. 2. The boundaries of the State of South Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the State of Minnesota, with the northern boundary line of the State of Iowa and running thence northerly along the western boundary line of the State of Minnesota, to its intersection with the 7th standard parallel; thence west on the line of the 7th standard parallel produced due west to its intersection with the 27th meridian of longitude west from Washington; thence south on the 27th meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

ARTICLE II.

DIVISION OF THE POWERS OF GOVERNMENT.

The powers of the government of the state are divided into three distinct departments—the legislative, executive and judicial; and the powers and duties of each are prescribed by this constitution.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the state shall be vested in a legislature which shall consist of a senate and house of representatives, except that the people expressly reserve to themselves the right to propose measures which measures the legislature shall enact and submit to a vote of the electors of the state, and also the right to require that any laws which the legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect (except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions), Provided, that not more than five per centum of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

* The constitution of South Dakota was drafted by a convention which assembled at Sioux Falls on July 4, 1889. The following propositions were submitted to the electors on October 1, 1889: The adoption of the constitution as a whole, which was ratified by a vote of 70,131 to 3,267; for minority representation, being Article XXV which was rejected by a vote of 24,161 to 46,200; for the location of the seat of government, being Section 1 of Article XX, which resulted as follows: Pierre, 27,256; Huron, 15,647; Watertown, 12,012; Sioux Falls, 11,888; Mitchell, 7,793; Chamberlain, 2,421; scattering, 42; prohibition, being Article XXIV, which was adopted by a vote of 40,234 to 34,510. The constitution became effective on November 2, 1889, the date when the state was admitted to the Union.

This section shall not be construed so as to deprive the legislature or any member thereof of the right to propose any measure. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by vote of the electors of the state shall be: "Be it enacted by the people of South Dakota." The legislature shall make suitable provisions for carrying into effect the provisions of this section.[1]

SEC. 2. The number of members of the house of representatives shall not be less than seventy-five nor more than one hundred and thirty-five. The number of members of the senate shall not be less than twenty-five nor more than forty-five.

The sessions of the legislature shall be biennial except as otherwise provided in this Constitution.

SEC. 3. No person shall be eligible to the office of senator who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have attained the age of twenty-five years, and who shall not have been a resident of the state or territory for two years next preceding his election.

No person shall be eligible to the office of representative who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have been a resident of the state or territory for two years next preceding his election, and who shall not have attained the age of twenty-five years.

No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public moneys, member of either house of congress, or person holding any lucrative office under the United States, or this state, or any foreign government, shall be a member of the legislature: Provided, That appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the legislature or become a member thereof.

SEC. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been, or may be collector or holder of public moneys who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the legislature or to any office in either branch thereof.

SEC. 5. The legislature shall provide by law for the enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at its first regular session, after each enumeration and also after each enumeration made by authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed and soldiers and officers of the United States army and navy. Provided, that the legislature may make an apportionment at its first session after the admission of South Dakota as a state.

SEC. 6. The terms of the office of the members of the legislature shall be two years; they shall receive for their services the sum of five dollars for each day's attendance during the session of the legislature, and five cents for every mile of necessary travel in going to and returning from the place of meeting of the legislature on the most usual route.

Each regular session of the legislature shall not exceed sixty days, except in cases of impeachment, and members of the legislature shall receive no other pay or perquisites except per diem and mileage.[2]

SEC. 7. The legislature shall meet at the seat of government on the first

[1] Amendment proposed by the legislature of 1897 and ratified at the election of November 8, 1898.

[2] Amendment proposed by the legislature of 1891 and ratified by the electors on November 8, 1892. The amendment reduced the mileage of members from "ten" to "five" cents.

Tuesday after the first Monday of January at 12 o'clock m., in the year next ensuing the election of members thereof, and at no other time except as provided by this constitution.

SEC. 8. Members of the legislature and officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the State of South Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted, nor will I accept or receive directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company or person, for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act.

This oath shall be administered by a judge of the supreme or circuit court, or the presiding officer of either house, in the hall of the house to which the member or officer is elected, and the secretary of state shall record and file the oath subscribed by each member and officer.

Any member or officer of the legislature who shall refuse to take the oath herein prescribed shall forfeit his office.

Any member or officer of the legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the legislature.

SEC. 9. Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such a manner and under such penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employees and fix the pay thereof, except as otherwise provided in this constitution.

SEC. 10. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

SEC. 11. Senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased during the term for which he was elected, nor shall any member receive any civil appointment from the governor, the governor and senate, or from the legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void; nor shall any member of the legislature during the term for which he shall have been elected, or within one year thereafter be interested, directly or indirectly, in any contract with the state or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 13. Each house shall keep a journal of its proceedings and publish the same from time to time, except such parts as require secrecy, and the yeas and nays of members on any question shall be taken at the desire of one-sixth of those present and entered upon the journal.

SEC. 14. In all elections to be made by the legislature the members thereof shall vote viva voce and their votes shall be entered in the journal.

SEC. 15. The sessions of each house and of the committee of the whole shall be open, unless when the business is such as ought to be kept secret.

SEC. 16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 17. Every bill shall be read three several times, but the first and second reading may be on the same day, and the second reading may be by title of the bill, unless the reading at length be demanded. The first and third readings shall be at length.

SEC. 18. The enacting clause of a law shall be: "Be it enacted by the legislature of the State of South Dakota" and no law shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

SEC. 19. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered upon the journal.

SEC. 20. Any bill may originate in either House of the legislature, and a bill passed by one house may be amended in the other.

SEC. 21. No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 22. No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency, (to be expressed in the preamble or body of the act) the legislature shall by a vote of two-thirds of all the members elected of each house, otherwise direct.

SEC. 23. The legislature is prohibited from enacting any private or special laws in the following cases:

1. Granting divorces.

2. Changing the names of persons or places, or constituting one person the heir at law of another.

3. Locating or changing county seats.

4. Regulating county and township affairs.

5. Incorporating cities, towns and villages or changing or amending the charter of any town, city or village, or laying out, opening, vacating or altering town plats, streets, wards, alleys and public ground.

6. Providing for sale or mortgage of real estate belonging to minors or others under disability.

7. Authorizing persons to keep ferries across streams wholly within the state.

8. Remitting fines, penalties or forfeitures.

9. Granting to an individual, association or corporation any special or exclusive privilege, immunity or franchise whatever.

10. Providing for the management of common schools.

11. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

But the legislature may repeal any existing special law relating to the foregoing subdivisions.

In all other cases where a general law can be applicable no special law shall be enacted.

SEC. 24. The legislature shall have no power to release or extinguish in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this state, or to any municipal corporation therein.

SEC. 25. The legislature shall not authorize any game of chance, lottery or gift enterprise, under any pretense, or for any purpose whatever.

SEC. 26. The legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property, effects, whether held in trust or otherwise, or levy taxes, or to select a capital site, or to perform any municipal functions whatever.

SEC. 27. The legislature shall direct by law in what manner and in what courts suits may be brought against the state.

SEC. 28. Any person who shall give, demand, offer, directly or indirectly, any money, testimonial, privilege or personal advantage, thing of value to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the legislature, or of public officers of the state, or any municipal division thereof, and any effort towards solicitation of said members of the legislature, or officers to influence their official actions shall be defined by law, and shall be punishable by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceeding except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid, shall be disqualified from holding any office or position or office of trust or profit in this state.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a governor who shall hold his office two years. A lieutenant governor shall be elected at the same time and for the same term.

SEC. 2. No person shall be eligible to the office of governor or lieutenant governor except a citizen of the United States and a qualified elector of the state, who shall have attained the age of 30 years, and who shall have resided two years next preceding the election within the state or territory; nor shall he be eligible to any other office during the term for which he shall have been elected.

SEC. 3. The governor and lieutenant governor shall be elected by the qualified electors of the state at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but if two or more shall have an equal and highest number of votes for governor or lieutenant governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The governor shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall, at the commencement of each session, communicate to the legislature by message, information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

SEC. 5. The governor shall have the power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment: Provided, that in all cases where the sentence of the court is capital punishment, imprisonment for life, or for a longer term than two years, or a fine exceeding two hundred dollars, no pardon shall be granted, sentence commuted or fine remitted, except upon the recommendation in writing of the board of pardons, consisting of the presiding judge, secretary of state and attorney general, after full hearing

in open session, and such recommendation, with the reasons therefor, shall be filed in the office of the secretary of state; but the legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations and reprieves, may be applied for. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence or grant a further reprieve. He shall communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation or pardon, granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon or reprieve, with his reasons for granting the same.

SEC. 6. In case of death, impeachment, resignation, failure to qualify, absence from the state, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

SEC. 7. The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If during a vacancy in the office of governor the lieutenant governor shall be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

SEC. 8. When any office shall from any cause become vacant and no mode is provided by the constitution or law for filling such vacancy, the governor shall have the power to fill such vacancy by appointment.

SEC. 9. Every bill which shall have passed the legislature, shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it with his objection to the house in which it originated, which shall enter the objection at large upon the journal and proceed to reconsider it. If after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objection to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall [not] be returned by the governor within three days (Sunday excepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall by its adjournment prevent its return; in which case it shall be filed, with his objection, in the office of the secretary of state, within ten days after such adjournment or become a law.

SEC. 10. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 11. Any governor of this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives, or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any

particular person or persons to any office created or thereafter to be create in consideration that any member shall give his official vote or influence any matter pending or thereafter to be introduced into either house of sa legislature or who threatens any member that he, the said governor, w remove any person or persons from any office or position with intent to any manner influence the official action of said member, shall be punished the manner now, or that may hereafter be provided by law, and upon co viction thereon shall forfeit all right to hold or exercise any office of tru or honor in this state.

SEC. 12. There shall be chosen by the qualified electors of the state the time and places of choosing members of the legislature, a secretary state, auditor, treasurer, superintendent of public instruction, commission of school and public lands, and an attorney general, who shall severally ho their offices for the term of two years, but no person shall be eligible to t office of treasurer for more than two terms consecutively. They shall r spectively keep their offices at the seat of government.

SEC. 13. The powers and duties of the secretary of state, auditor, trea urer, superintendent of public instruction, commissioner of school and publ lands and attorney general shall be as prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial powers of the state, except as in this constituti otherwise provided, shall be vested in a supreme court, circuit courts, coun courts, and justices of the peace, and such other courts as may be creat by law for cities and incorporated towns.

SEC. 2. The supreme court, except as otherwise provided in this co stitution, shall have appellate jurisdiction only, which shall be co-extensi with the state, and shall have a general superintending control over all i ferior courts under such regulations and limitations as may be prescrib by law.

SEC. 3. The supreme court and the judges thereof shall have power issue writs of habeas corpus. The supreme court shall also have power issue writs of mandamus, quo warranto, certiorari, injunction and other ori inal and remedial writs, with authority to hear and determine the same such cases and under such regulations as may be prescribed by law: Provide however, that no jury trials shall be allowed in said supreme court, but, proper cases questions of fact may be sent by said court to a circuit cou for trial before a jury.

SEC. 4. At least two terms of the supreme court shall be held each ye at the seat of government.

SEC. 5. The supreme court shall consist of three judges, to be chos from districts by qualified electors of the state at large, as hereinafter pr vided.

SEC. 6. The number of said judges and districts may, after five yea from the admission of this state under this constitution, be increased by la to not exceeding five.[3]

SEC. 7. A majority of the judges of the supreme court shall be necessa to form a quorum or to pronounce a decision, but one or more of said judg may adjourn the court from day to day, or to a day certain.

SEC. 8. The term of the judges of the supreme court, who shall be elect at the first election under this constitution, shall be four years. At all su sequent elections the term of said judges shall be six years.

SEC. 9. The judges of the supreme court shall by rule select from the number a presiding judge, who shall act as such for the term prescribed such rule.

SEC. 10. No person shall be eligible to the office of judge of the supre court unless he be learned in the law, be at least thirty years of age, a citiz

[3] The number of supreme judges was increased to five members by Chapter 1 Acts 1909, Section 6.

of the United States, nor unless he shall have resided in this state or territory at least two years next preceding his election and at the time of his election be a resident of the district from which he is elected; but for the purpose of re-election, no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.

SEC. 11. Until otherwise provided by law, the districts from which the said judges of the supreme court shall be elected shall be constituted as follows:

First District—All that portion of the state lying west of the Missouri river.

Second District—All that portion of the state lying east of the Missouri river and south of the Second standard parallel.

Third District—All that portion of the state lying east of the Missouri river and north of the Second standard parallel.[4]

SEC. 12. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof and who shall hold office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the supreme court not inconsistent with law. The legislature shall make provisions for the publication and distribution of the decisions of the supreme court, and for the sale of the published volumes thereof. No private person or corporation shall be allowed to secure any copyright to such decisions, but if any copyrights are secured they shall inure wholly to the benefit of the state.

SEC. 13. The governor shall have authority to require the opinions of the judges of the supreme court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

CIRCUIT COURTS.

SEC. 14. The circuit courts shall have original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with this constitution; such jurisdiction as to value and amount and grade of offense may be limited by law. They and the Judges thereof shall also have jurisdiction and power to issue writs of habeas corpus, mandamus, quo warranto, certiorari, injunction and other original and remedial writs with authority to hear and determine the same.

SEC. 15. The state shall be divided into judicial circuits, in each of which there shall be elected by the electors thereof one judge of the circuit court therein, whose term of office shall be four years.

SEC. 16. Until otherwise ordered by law, said circuits shall be eight in number and constituted as follows, viz:[5]

SEC. 17. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the state into judicial circuits accordingly, taking care that they be formed of compact territory and be bounded by county lines; but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

SEC. 18. Writs of error and appeals may be allowed from the decisions of the circuit courts to the supreme court under such regulations as may be prescribed by law.

COUNTY COURTS.

SEC. 19. There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.

SEC. 20. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, guardianship, and settlement of estates

[4] By Sections 1, 2, 3, 4, and 5, Chapter 109, Acts 1909, five districts were created and defined.

[5] The original division of the state into circuits is now obsolete; as fixed by law the state is now divided into twelve districts

of deceased persons, and such other civil and criminal jurisdiction as may be conferred by law: Provided, that such courts shall not have jurisdiction in any case where the debt, damage, claim or value of property involved shall exceed one thousand dollars, except in matters of probate, guardianship and the estates of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the supreme court in such cases and in such manner as may be prescribed by law: Provided, That no appeal or writ of error shall be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.

SEC. 21. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecutions therein may be by information or otherwise as the legislature may provide.

JUSTICES OF THE PEACE.

SEC. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars, or where the boundaries or title to real property shall be called in question.

POLICE MAGISTRATE.

SEC. 23. The legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns, respectively, and such police magistrates may also be constituted ex-officio justices of the peace for their respective counties. In cities having a population of five thousand or over the legislature may provide in lieu of police magistrates, for municipal courts, the judges whereof shall be chosen in such manner as the legislature shall prescribe, which courts shall have exclusive original jurisdiction of all cases, both civil and criminal, cognizable before a justice of the peace under the laws of the state, and in which process shall be served within the city where such court is established; and shall also have exclusive original jurisdiction of all cases arising under the ordinances of such city. Such court shall also have jurisdiction co-extensive with the county in which such city is situated, in such civil and criminal cases as may be provided by law.[6]

STATE'S ATTORNEY.

SEC. 24. The legislature shall have power to provide for state's attorneys and to prescribe their duties and fix their compensation; but no person shall be eligible to the office of attorney general or state's attorney who shall not at the time of his election be at least twenty-five years of age and possess all the other qualifications for judges of circuit courts as prescribed in this article.

MISCELLANEOUS.

SEC. 25. No person shall be eligible to the office of judge of the circuit or county courts, unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States; nor unless he shall have resided in this state or territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit, as the case may be, for which he is elected.

SEC. 26. The judges of the supreme court, circuit courts and county courts shall be chosen at the first election held under the provisions of this constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may, for the purpose of making such provision, extend or abridge the term of office for any of such judges then holding, but not in any case more than six months. The term of office of all judges

[6] Amendment proposed by the legislature of 1905 and ratified at an election of November 6, 1906.

of circuit courts, elected in the several judicial circuits throughout the state, shall expire on the same day.

SEC. 27. The time of holding courts within said judicial circuits and counties shall be as provided by law; but at least one term of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.

SEC. 28. Special terms of said courts may be held under such regulations as may be provided by law.

SEC. 29. The judges of the circuit courts may hold courts in other circuits than their own, under such regulations as may be prescribed by law.

SEC. 30. The judges of the supreme court, circuit courts and county courts shall each receive such salary as may be provided by law, consistent with this constitution, and no such judge shall receive any compensation, perquisite or emoluments for or on account of his office in any form whatever, except such salary; Provided, that county judges may accept and receive such fees as may be allowed under the land laws of the United States.

SEC. 31. No judge of the supreme court or circuit courts shall act as attorney or counselor at law, nor shall any county judge act as an attorney or counselor at law in any case which is or may be brought into his court or which may be appealed therefrom.

SEC. 32. There shall be a clerk of the circuit court in each organized county, who shall also be clerk of the county court, and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated by the rules of the court consistent with the provisions of law.

SEC. 33. Until the legislature shall provide by law for fixing the terms of courts, the judges of the supreme, circuit and county courts respectively shall fix the terms thereof.

SEC. 34. All laws relating to courts shall be general and of uniform operation throughout the state, and the organization, jurisdiction, power, proceedings and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform; Provided, however, that the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.

SEC. 35. No judge of the supreme or circuit courts shall be elected to any other than a judicial office, or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such term for any elective office, except that of judge of the supreme court, circuit court or county court, given by the legislature or the people, shall be void.

SEC. 36. All judges or other officers of the supreme, circuit or county courts provided for in this article shall hold their offices until their successors respectively are elected or appointed and qualified.

SEC. 37. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election as follows: All judges of the supreme, circuit and county courts by the governor. All other judicial and other officers by the county board of the counties where the vacancy occurs; in cases of police magistrates by the municipality.

SEC. 38. All process shall run in the name of the "State of South Dakota." All prosecutions shall be carried on in the name of and by authority of the "State of South Dakota."

ARTICLE VI.

BILL OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty, of acquiring and protecting property and the pursuit of happi-

ness. To secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. No person shall be deprived of life, liberty or property without due process of law.

SEC. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his religious opinions; but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the state.

No person shall be compelled to attend or support any ministry or place of worship against his consent nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution.

SEC. 4. The right of petition, and of the people peaceably to assemble to consult for the common good and make known their opinions, shall never be abridged.

SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

SEC. 6. The right of trial by jury shall remain inviolate and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any court not a court of record and for the decision of civil cases by three-fourths of the jury in any court.

SEC. 7. In all criminal prosecutions, the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

SEC. 10. No person shall be held for a criminal offense unless on the presentment or indictment of a grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by county courts, by justices of the peace, and in cases arising in the army and navy, or in the militia when in actual service in time of war or public danger: Provided, the grand jury may be modified or abolished by law.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched and the person or thing to be seized.

SEC. 12. No ex post facto law, or law impairing the obligation of contracts or making any irrevocable grant or privilege, franchise or immunity, shall be passed.

SEC. 13. Private property shall not be taken for public use, or damaged without just compensation as determined by a jury, which shall be paid as soon as it can be ascertained, and before possession is taken. No benefit which may accrue to the owner as the result of an improvement made by a private corporation shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other

highways shall remain in such owners, subject to the use for which it is taken.

SEC. 14. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment or descent of property.

SEC. 15. No person shall be imprisoned for debt arising out of or founded upon a contract.

SEC. 16. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 17. No tax or duty shall be imposed without the consent of the people or their representatives in the legislature, and all taxation shall be equal and uniform.

SEC. 18. No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

SEC. 19. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state, under regulations to be prescribed by the legislature.

SEC. 20. All courts shall be open, and every man for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay.

SEC. 21. No power of suspending laws shall be exercised, unless by the legislature or its authority.

SEC. 22. No person shall be attainted of treason or felony by the legislature.

SEC. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishments inflicted.

SEC. 24. The right of the citizens to bear arms in defense of themselves and the state shall not be denied.

SEC. 25. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act or confession in open court.

SEC. 26. All political power is inherent in the people, and all free government is founded on their authority, and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the State of South Dakota is an inseparable part of the American Union and the constitution of the United States is the supreme law of the land.

SEC. 27. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue and by frequent recurrence to fundamental principles.

ARTICLE VII.

ELECTIONS AND RIGHT OF SUFFRAGE.

SECTION 1. Every male person resident of this state who shall be of the age of twenty-one years and upwards, not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the territory of Dakota at the date of the ratification of this constitution by the people, or who shall have resided in the United States one year, in this state six months, in the county thirty days, and in the election precinct where he offers his vote ten days next preceding any election, shall be deemed a qualified elector at such election:

First, citizens of the United States.

Second, persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

SEC. 2. The legislature shall at its first session after the admission of the state into the union submit to a vote of the electors of the state the following question to be voted upon at the next general election held thereafter, namely:

"Shall the word 'male' be stricken from the article of the constitution relating to elections and the right of suffrage." If a majority of the votes cast upon that question are in favor of striking out said word "male," it shall be stricken out and there shall thereafter be no distinction between males and females in the exercise of the right of suffrage at any election in this state.[7]

SEC. 3. All votes shall be by ballot, but the legislature may provide for numbering ballots for the purpose of preventing and detecting fraud.

SEC. 4. All general elections shall be biennial.

SEC. 5. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of elections, except in time of war or public danger.

SEC. 6. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state or in the military or naval service of the United States.

SEC. 7. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

SEC. 8. No person under guardianship, non compos mentis or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

SEC. 9. Any woman having the qualifications enumerated in Section 1 of this article as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote at any election held solely for school purposes and may hold any office in this state, except as otherwise provided in this constitution.

ARTICLE VIII.

EDUCATION AND SCHOOL LANDS.

SECTION 1. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the state; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the state by escheat; the proceeds of all gifts or donations to the state for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the state. It shall be deemed a trust fund held by the state. The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the state shall make good all losses thereof which may in any manner occur.

SEC. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of state laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the state, and shall be for this purpose apportioned among and between all the several public school corporations of the state in proportion to the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the state.

SEC. 4. After one year from the assembling of the first legislature,

[7] This question was submitted to the people at the election of November 4, 1 and was rejected by a vote of 22,972 to 45,682. A somewhat similar amendment proposed by the legislature of 1917 (Chapter 159, Acts 1917), and will be voted on the general election of November, 1918.

lands granted to the state by the United States for the use of public schools may be sold upon the following conditions and no other: Not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto is vested in the state, and the legislature shall, subject to the provisions of this article, provide for the sale of the same.

The commissioner of school and public lands, the state auditor and the county superintendent of schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands within the several counties which they may from time to time select and designate for sale, at their actual value under the terms of sale.

They shall take care to first select and designate for sale the most valuable lands; and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

SEC. 5. No land shall be sold for less than the appraised value and in no case for less than ten dollars an acre. The purchaser shall pay one-fourth of the purchase price in cash, and the remaining three-fourths as follows, one-fourth in five years, one-fourth in ten years, one-fourth in fifteen years, with interest thereon at the rate of not less than five per centum per annum, payable annually; and all such subdivided lands may be sold for cash; provided, further, that the purchaser or purchasers shall have the right and option of paying the balance of the purchase price, or any installment thereof at any time. All sales shall be at public auction to the highest bidder, after sixty days advertisement of the same in at least two newspapers of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been specially subdivided shall be offered in tracts of not more than eighty acres, and these subdivided in the smallest subdivision of lands designated for sale and not sold within two years after their appraisal shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.[8]

SEC. 6. All sales shall be conducted through the office of the commissioner of school and public lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the governor in such form as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

SEC. 7. All lands, money or other property donated, granted or received from the United States or any other source for a university, agricultural college, normal schools or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the state, and the state shall make good all losses therefrom that shall in any manner occur.

SEC. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same officers and boards under the same limitations, and subject to all the conditions as to price, sale and approval, provided above for the appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of such funds.

SEC. 9. The lands mentioned in this Article shall be leased for pasturage, meadow, farming, the growing of crops of grain and general agricultural purposes, and at public auction after notice as hereinbefore provided in case of sale and shall be offered in tracts not greater than one section. All rents

[8] Amendment proposed by the legislature of 1913 and ratified on November 3, 1914.

shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the governor.[9]

SEC. 10. No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvements made by such trespasser.

SEC. 11. The moneys of the permanent school and other educational funds shall be invested only in first mortgages upon good improved farm lands within this state, as hereinafter provided, or in bonds of school corporations within this state, or in bonds of the United States or of the state of South Dakota or of any organized county, township or incorporated city in said state. The legislature shall provide by law the method of determining the amounts of said funds, which shall be invested from time to time in such classes of securities respectively, taking care to secure continuous investments as far as possible.

All moneys of said funds which may from time to time be designated for investment in farm mortgages and in the bonds of school corporations, or in bonds of organized counties, townships or incorporated cities within this state, shall for such purpose be divided among the organized counties of the state in proportion to population as nearly as provisions by law to secure continuous investment may permit. The several counties shall hold and manage the same as trust funds, and they shall be and remain responsible and accountable for the principal and interest of all such moneys received by them from the date of receipt until returned because not loaned; and in case of loss of any money so apportioned to any county, such county shall make the same good out of its common revenue. Counties shall invest said money in bonds of school corporations, counties, townships or cities, or in first mortgages upon good improved farm lands within their limits respectively. The amount of each loan shall not exceed one-third of the actual value of the lands covered by the mortgage given to secure the same, such value to be determined by the board of county commissioners of the county in which the land is situated and in no case shall more than five thousand ($5,000) dollars be loaned to any one person, firm or corporation and the rate of interest shall not be less than five per cent per annum and shall be such other and higher rate as the legislature may provide and shall be payable semi-annually on the first day of January and July; Provided, that whenever there are moneys of said fund in any county amounting to one thousand dollars that cannot be loaned according to the provisions of this section and any law pursuant thereto, the said sum may be returned to the state treasurer to be intrusted to some other county or counties, or otherwise invested under the provisions of this section.

Each county shall semi-annually, on the first day of January and July, tender an account of the condition of the funds intrusted to it to the auditor of state, and at the same time pay to or account to the state treasurer for the interest due on all funds intrusted to it.

The legislature may provide by general law that counties may retain from interest collected in excess of five per centum per annum upon all said funds intrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the state treasurer of interest at the rate provided by law for such loans, except only said one per centum, and in no case shall the interest so to be paid be less than five per centum per annum.

The legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

The rate of interest upon all investments of the permanent school or other educational funds mentioned in Section 11 of Article VIII, of the constitution of this state is hereby changed and reduced from six per centum per annum to five per centum per annum, wherever the said words "six per centum per

[9] Amendment proposed by the legislature of 1909 and ratified at the election of November 8, 1910.

annum" occur in said section. That if the foregoing amendment shall be approved and ratified by the people at said election, as provided by article XXIII of the constitution, said Section 11 of Article VIII of the constitution shall be thereby amended by striking out the said words "six per centum per annum" wherever they occur in said section 11 and substituting in lieu thereof the words "five per centum per annum."[10]

SEC. 12. The governor may disapprove any sale, lease or investment other than such as are intrusted to the counties.

SEC. 13. All losses to the permanent school or other educational funds of this state which shall have been occasioned by the defalcation, negligence, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the fund sustaining the loss upon which not less than six per centum of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in Article XIII, Section 2.

SEC. 14. The legislature shall provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

SEC. 15. The legislature shall make such provision by general taxation and by authorizing the school corporations to levy such additional taxes as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the state.

SEC. 16. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state.

SEC. 17. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state, under such penalties as shall be provided by law.

ARTICLE IX.

COUNTY AND TOWNSHIP ORGANIZATION.

SECTION 1. The legislature shall provide by general law for organizing new counties, locating the county seats thereof and changing county lines; but no new county shall be organized so as to include an area of less than twenty-four congressional townships, as near as may be without dividing a township or fractional township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified. All changes in county boundaries in counties already organized, before taking effect, shall be submitted to the electors of the county or counties to be affected thereby, at the next general election thereafter and be adopted by a majority of the votes cast in each county at such election. Counties now organized shall remain as they are unless changed according to the above provisions.

SEC. 2. In counties already organized where the county seat has not been located by a majority vote, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at a general election. The place receiving a majority of all votes cast at said election shall be the county seat of said county.

[10] Section 11 has been amended twice; the first amendment was proposed by the legislature of 1901 and ratified at the election of November 4, 1902; the second amendment was proposed by the legislature of 1903 and ratified at the election of November 8, 1904. The amendment of 1902 struck out the words "six per centum per annum" where they occurred in the original and substituted in lieu thereof the words "five per centum per annum"; this amendment is contained in the last paragraph of the section; the amendments of 1904 occur in the earlier provisions of the section. Compare the amendment of 1904 with Article XVIII.

SEC. 3. Whenever a majority of the legal voters of any organized county shall petition the board to change the location of the county seat which has once been located by a majority vote, specifying the place to which it is to be changed, said board shall submit the same to the people of the said county at the next general election, and if the proposition to change the county seat be ratified by two-thirds of the votes cast at said election (except as hereinafter provided) then the county seat shall be changed; otherwise not. Provided, however, that in cases where the county seat is not located at a railroad station, and it is proposed to remove the same to a railroad station, then the proposition to change the county seat may be ratified by three-fifths of the votes cast at said election upon the question of such removal, and in such case if the proposition to change the county seat be ratified by three-fifths of the votes cast at said election upon the question of such removal then the county seat shall be changed, otherwise not. A proposition to change the location of the county seat of any organized county shall not again be submitted before the expiration of four years.[11]

SEC. 4. The legislature shall provide by general law for organizing the counties into townships, having due regard for congressional township lines and natural boundaries, and whenever the population is sufficient and the natural boundaries will permit, the civil townships shall be co-extensive with the congressional townships.

SEC. 5. In each organized county at the first general election held after the admission of the State of South Dakota into the union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, state's attorney, surveyor, coroner and superintendent of schools, whose terms of office respectively shall be two years, and except the clerk of the court, no person shall be eligible for more than four years in succession to any of the above named offices.

SEC. 6. The legislature shall provide by general law for such county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers.

SEC. 7. All county, township and district officers shall be electors in the county, township or district in which they are elected; provided, that nothing in this section shall prevent the holding of school offices by any person as provided in section 9, article VII; and provided, further, that the legislature shall have authority to prescribe additional qualifications for superintendent of schools, not inconsistent herewith.[12]

ARTICLE X.

MUNICIPAL CORPORATIONS.

SECTION 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four, and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than those of all corporations of the same class. The legislature shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

SEC. 2. Except as otherwise provided in this constitution, no tax or assessment shall be levied or collected, or debts contracted by municipal corporations except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose ever be diverted to any other.

SEC. 3. No street passenger railway or telegraph or telephone line shall be constructed within the limits of any village, town or city without the consent of its local authorities.

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[11] Amendment proposed by the legislature of 1901 and ratified at the election of November 4, 1902.

[12] Amendment proposed by the legislature of 1905 and ratified at the election of November 6, 1906. The last proviso is new.

ARTICLE XI.

REVENUE AND FINANCE.

SECTION 1. The legislature shall provide for an annual tax, sufficient to defray the estimated ordinary expenses of the state for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes.

And whenever it shall appear that such ordinary expenses shall exceed the income of the state for such year, the legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt; provided that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the state, as ascertained by the last assessment made for the state and county purposes.

Provided, that for the purpose of establishing, installing, maintaining and operating a hard fibre twine and cordage plant at the state penitentiary at Sioux Falls, South Dakota, the legislature shall provide for a tax for the year 1907 of not to exceed one and one-half mills on each dollar of the assessed valuation of all taxable property in the state, as ascertained by the last assessment made for state and county purposes.[13]

SEC. 2. All taxes shall be uniform on all property and shall be levied and collected for public purposes only. The value of each subject of taxation shall be so fixed in money that every person and corporation shall pay a tax in proportion to the value of his, her or its property. Franchises and licenses to do business in the state, gross earnings and net income, shall be considered in taxing corporations and the power to tax corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party. The legislature shall provide by general law for the assessing and levying of taxes on all corporate property, as near as may be, by the same methods as are provided for assessing and levying of taxes on individual property.[14]

SEC. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

SEC. 4. The legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

SEC. 5. The property of the United States and of the state, county and municipal corporations, both real and personal, shall be exempt from taxation.

SEC. 6. The legislature shall, by general law, exempt from taxation, property used exclusively for agricultural and horticultural societies, for schools, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation.

SEC. 7. All laws exempting property from taxation, other than that enumerated in sections 5 and 6 of this article, shall be void.

SEC. 8. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied.

SEC. 9. All taxes levied and collected for state purposes shall be paid into the state treasury. No indebtedness shall be incurred or money expended by the

[13] Amendment proposed by the legislature of 1905 and ratified at the election of November 6, 1906. The amendment consists of the last paragraph.

[14] Amendment proposed by the legislature of 1911 and ratified at the election of November 5, 1912.

state, and no warrant shall be drawn upon the state treasurer except in pursuance of an appropriation for the specific purpose first made. The legislature shall provide by suitable enactment for carrying this section into effect.

SEC. 10. The legislature may vest the corporate authority of cities, towns and villages, with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

SEC. 11. The making of profit, directly or indirectly, out of state, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

SEC. 12. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the legislature may provide.

ARTICLE XII.

PUBLIC ACCOUNTS AND EXPENDITURES.

SECTION 1. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

SEC. 2. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools. All other appropriations shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the legislature.

SEC. 3. The legislature shall never grant any extra compensation to any public officer, employee, agent or contractor after the services shall have been rendered or the contract entered into nor authorize the payment of any claims or part thereof created against the state, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office: Provided, however, that the legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

SEC. 4. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the legislature shall provide, and such statement shall be submitted to the legislature at the beginning of each regular session by the governor with his message.

ARTICLE XIII.

PUBLIC INDEBTEDNESS.

SECTION 1. Neither the state nor any county, township or municipality shall loan or give its credit or make any donations to or in aid of any individual, association or corporation except for the necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor pay or become responsible for the debt or liability of any individual, association or corporation; provided, that the state may assume or pay such debt or liability when incurred in time of war for the defense of the state; provided, further, that the state or any county or two or more counties jointly may establish and maintain a system of rural credits and thereby loan money and extend credit to the people of this state upon real estate security in such manner and upon such terms and conditions as may be prescribed by general law. Nor shall the state engage in any work of internal improvement.[15]

SEC. 2. For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the

[15] Amendment proposed by the legislature of 1915 and ratified at the election of November 7, 1916. The second proviso constitutes the amendment.

state may contract debts never to exceed with previous debts in the aggregate $100,000, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state or the United States in war and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise shall be irrepealable until such debt is paid; Provided, however, the State of South Dakota shall have the power to refund the territorial debt assumed by the State of South Dakota, by bonds of the State of South Dakota.

SEC. 3. That the indebtedness of the State of South Dakota limited by section two of this article shall be in addition to the debt of the Territory of Dakota assumed by and agreed to be paid by South Dakota.

SEC. 4. The debt of any county, city, town, school district, civil township, or other sub-division, shall never exceed five (5) per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred, in estimating the amount of the indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of the constitution shall be included;

Provided, That any county, municipal corporation, civil township, district, or other sub-division may incur an additional indebtedness, not exceeding ten per centum upon the assessed valuation of the taxable property therein, for the year preceding that in which said indebtedness is incurred for the purpose of providing water and sewerage, for irrigation, domestic uses, sewerage and other purposes, and

Provided, further, That in a city where the population is 8,000 or more, such city may incur an indebtedness not exceeding eight per centum upon the assessed valuation of the taxable property therein for the year next preceding that in which said indebtedness is incurred for the purpose of constructing street railways, electric lights, or other lighting plants.

Provided, further, That no county, municipal corporation, civil township, district or sub-division, shall be included within such district or sub-division without a majority vote in favor thereof of the electors of the county, municipal corporation, civil township, district or other sub-division, as the case may be, which is proposed to be included therein, and no such debt shall ever be incurred for any of the purposes in this section provided; unless authorized by a vote in favor thereof by a majority of the electors of such county, municipal corporation, civil township, district or sub-division incurring the same.[16]

SEC. 5. Any city, county, town, school district or any other sub-division incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrepealable until such debt be paid.

SEC. 6. In order that payment of the debts and liabilities contracted or incurred by and in behalf of the Territory of Dakota may be justly and equitably provided for and made, and in pursuance of the requirements of an act of congress approved February 22, 1889, entitled "An act to Provide for the Division of Dakota into two states and to Enable the People of North Dakota, South Dakota, Montana and Washington to form Constitutions and State Governments and to be Admitted into the Union on an Equal Footing with the Original States, and to Make Donations of Public Lands to such States" the States of North Dakota and South Dakota, by proceedings of a Joint Commission, duly appointed under said act, the sessions whereof were held at Bismarck in said State of North Dakota, from July 16, 1889, to July

[16] Section 4 has been amended twice, the first amendment was proposed by the legislature of 1895 and ratified at the election of November 3, 1896; the second amendment was proposed by the legislature of 1901 and ratified at the election of November 4, 1902.

31, 1889, inclusive, have agreed to the following adjustment of the amounts of the debts and liabilities of the Territory of Dakota which shall be assumed and paid by each of the States of North Dakota and South Dakota, respectively, to-wit:

1. This agreement shall take effect and be in force from and after the admission into the Union, as one of the United States of America, of either the State of North Dakota or the State of South Dakota.

2. The words "State of North Dakota" wherever used in this agreement, shall be taken to mean the Territory of North Dakota, in case the State of South Dakota shall be admitted into the Union prior to the admission into the Union of the State of North Dakota; and the words "State of South Dakota," wherever used in this agreement, shall be taken to mean the Territory of South Dakota in case the State of North Dakota shall be admitted into the Union prior to the admission into the Union of the State of South Dakota.

3. The said State of North Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of North Dakota, and shall pay all warrants issued under and by virtue of that certain act of the Legislative assembly of the Territory of Dakota, approved March 3, 1889, entitled "An Act to provide for the refunding of outstanding warrants drawn on the capitol building fund."

4. The said State of South Dakota shall assume and pay all bonds issued by the Territory of Dakota to provide funds for the purchase, construction, repairs or maintenance of such public institutions, grounds or buildings as are located within the boundaries of South Dakota.

5. That is to say: The State of North Dakota shall assume and pay the following bonds and indebtedness, to-wit: Bonds issued on account of the hospital for insane at Jamestown, North Dakota, the face aggregate of which is two hundred and sixty-six thousand dollars; also bonds issued on account of the North Dakota University at Grand Forks, North Dakota, the face aggregate of which is ninety-six thousand seven hundred dollars; also bonds issued on account of the penitentiary at Bismarck, North Dakota, the face aggregate of which is ninety-three thousand six hundred dollars; also refunding capitol building warrants dated April 1, 1889, eighty-three thousand five hundred and seven dollars and forty-six cents.

And the State of South Dakota shall assume and pay the following bonds and indebtedness, to-wit: Bonds issued on account of the Hospital for the Insane at Yankton, South Dakota, the face aggregate of which is two hundred and ten thousand dollars; also, bonds issued on account of the school for deaf mutes, at Sioux Falls, South Dakota, the face aggregate of which is fifty-one thousand dollars; also, bonds issued on account of the University at Vermillion, South Dakota, the face aggregate of which is seventy-five thousand dollars; also, bonds issued on account of the penitentiary at Sioux Falls, South Dakota, the face aggregate of which is ninety-four thousand three hundred dollars; also, bonds issued on account of agricultural college, at Brookings, South Dakota, the face aggregate of which is ninety-seven thousand five hundred dollars; also bonds issued on account of the normal school at Madison, South Dakota, the face aggregate of which is forty-nine thousand four hundred dollars; also bonds issued on account of school of mines at Rapid City, South Dakota, the face aggregate of which is thirty-three thousand dollars; also, bonds issued on account of the reform school at Plankinton, South Dakota, the face aggregate of which is thirty thousand dollars; also bonds issued on account of the normal school at Spearfish, South Dakota, the face aggregate of which is twenty-five thousand dollars; also, bonds issued on account of the soldiers' home at Hot Springs, South Dakota, the face aggregate of which is forty-five thousand dollars.

6. The States of North Dakota and South Dakota shall pay one-half each of all liabilities now existing or hereafter and prior to the taking effect of this agreement incurred, except those heretofore and hereafter incurred

on account of public institutions, grounds or buildings, except as otherwise herein specifically provided.

7. The State of South Dakota shall pay to the State of North Dakota forty-six thousand five hundred dollars on account of the excess of territorial appropriations for the permanent improvement of territorial institutions which under this agreement will go to South Dakota, and in full of the undivided one-half interest of North Dakota in the territorial library and in full settlement of unbalanced accounts, and of all claims against the Territory, of whatever nature, legal or equitable, arising out of the alleged erroneous or unlawful taxation of the Northern Pacific Railroad lands, and the payment of said amount shall discharge and exempt the State of South Dakota from all liability for or on account of the several matters hereinbefore referred to; nor shall either state be called upon to pay or answer to any portion of liability hereafter arising or accruing on account of transactions heretofore had, which liability would be a liability of the Territory of Dakota had such territory remained in existence, and which liability shall grow out of matters connected with any public institution, grounds or buildings of the territory situated or located within the boundaries of the other state.

8. A final adjustment of accounts shall be made upon the following basis: North Dakota shall be charged with all sums paid on account of the public institutions, grounds or buildings located within its boundaries on account of the current appropriations since March 8th, 1889; and South Dakota shall be charged with all sums paid on account of public institutions, grounds or buildings located within its boundaries on the same account and during the same time. Each state shall be charged with one-half of all other expenses of the territorial government during the same time. All moneys paid into the treasury during the period from March 8th, 1889, to the time of taking effect of this Agreement by any county, municipality or person within the limits of the proposed State of North Dakota, shall be credited to the State of North Dakota; and all sums paid into said treasury within the same time by any county, municipality or person within the limits of the proposed State of South Dakota shall be credited to the State of South Dakota; except that any and all taxes on gross earnings paid into said treasury by railroad corporations since the 8th day of March, 1889, based upon earnings of years prior to 1888, under and by virtue of the Act of the Legislative Assembly of the Territory of Dakota, approved March 7th, 1889, and entitled "An act providing for the levy and collection of taxes upon property of railroad companies in this territory," being Chapter 107 of the Session Laws of 1889 (that is, the part of such sum going to the territory) shall be equally divided between the States of North Dakota and South Dakota; and all taxes heretofore or hereafter paid into said treasury under and by virtue of the Act last mentioned, based on the gross earnings of the year 1888, shall be distributed as already provided by law, except that so much thereof as goes to the Territorial Treasury shall be divided as follows: North Dakota shall have so [much] thereof as shall be or has been paid by railroads within the limits of the proposed State of North Dakota and South Dakota so much thereof as shall be or has been paid by railroads within the limits of the proposed State of South Dakota. Each state shall be credited also with all balances of appropriations made by the Seventeenth Legislative Assembly of the Territory of Dakota for the account of public institutions, grounds or buildings situated within its limits, remaining unexpended on March 8th, 1889. If there be any indebtedness except the indebtedness represented by the bonds and refunding warrants hereinbefore mentioned, each state shall at the time of such final adjustment of accounts, assume its share of said indebtedness as determined by the amount paid on account of the public institutions, grounds or buildings of such state in excess of the receipts from counties, municipalities, railroad corporations or persons within the limits of said state as provided in this Article; and if there should be a surplus at the time of such final adjustment, each state shall be entitled to the amounts received from counties, municipalities, railroad corporations or persons within its limits over and above the amount charged to it.

SEC. 7. And the State of South Dakota hereby obligates itself to pay such part of the debts and liabilities of the Territory of Dakota as is declared by the foregoing Agreement to be its proportion thereof, the same as if such proportion had been originally created by said State of South Dakota as its own debt or liability.

SEC. 8. The Territorial Treasurer is hereby authorized and empowered to issue refunding bonds to the amount of $107,500.00, bearing interest not to exceed the rate of four per cent. per annum, for the purpose of refunding the following described indebtedness of the Territory of Dakota, to-wit:

$77,500.00 5 per cent bonds, dated May 1st, 1883, issued for the construction of the West Wing of the Insane Hospital at Yankton and $30,000.00, 6 per cent bonds dated May 1st, 1883, issued for permanent improvements [of the] Dakota Penitentiary, at Sioux Falls, such refunding bonds, if issued, to run for not more than twenty years, and shall be executed by the governor and treasurer of the Territory, and shall be attested by the secretary under the great seal of the Territory.

In case such bonds are issued by the Territorial Treasurer as hereinbefore set forth, before the first day of October, 1889, then upon the admission of South Dakota as a state it shall assume and pay said bonds in lieu of the aforesaid Territorial indebtedness.

SEC. 9. The construction and maintenance of good roads and the supplying of coal to the people of the state from the lands belonging to the state are works of necessity and importance in which the state may engage, but no expenditure of money for the same shall be made except by the vote of a two-thirds majority of the legislature.[17]

ARTICLE XIV.

STATE INSTITUTIONS.

SECTION 1. The charitable and penal institutions of the State of South Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind and a reform school.

SEC. 2. The state institutions provided for in the preceding section shall be under the control of the State Board of Charities and Corrections, under such rules and restrictions as the legislature shall provide; such board to consist of not to exceed five members, to be appointed by the governor and confirmed by the senate, and whose compensation shall be fixed by law.

SEC. 3. The State University, the agricultural college, the normal schools and all other educational institutions that may be sustained either wholly or in part by the State shall be under the control of a board of five members appointed by the Governor and confirmed by the Senate under such rules and restrictions as the legislature shall provide. The legislature may increase the number of members to nine.[18]

[SEC. 4. Repealed in 1896.][19]

SEC. 5. The legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the state.

ARTICLE XV.

MILITIA.

SECTION 1. The militia of the State of South Dakota shall consist of all able-bodied male persons residing in the state, between the ages of eighteen

[17] Section 9 is a new section; it was proposed by the special session of 1916 and was ratified at the election of November 7, 1916.

[18] Amendment proposed by the legislature of 1895 and ratified at the election of November 3, 1896.

[19] Pursuant to an amendment proposed by the legislature of 1895 and ratified at the election of November 3, 1896, Section 4 was repealed.

and forty-five years, except such persons as now are, or hereafter may be exempted by the laws of the United States or of this state.

SEC. 2. The legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the militia and the establishment of volunteer and such other organizations or both, as may be deemed necessary for the protection of the state, the preservation of order and the efficiency and good of the service.

SEC. 3. The legislature in providing for the organization of the militia shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

SEC. 4. All militia officers shall be commissioned by the governor, and may hold their commissions for such period of time as the legislature may provide, subject to removal by the governor for cause, to be first ascertained by a court-martial pursuant to law.

SEC. 5. The militia shall in cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections and in going to and returning from the same.

SEC. 6. All military records, banners and relics of the state, except when in lawful use, shall be preserved in the office of the adjutant general as an enduring memorial of the patriotism and valor of South Dakota; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

SEC. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.

ARTICLE XVI.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

The concurrence of a majority of all members elected shall be necessary to an impeachment.

SEC. 2. All impeachments shall be tried by the senate. When sitting for that purpose the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the governor or lieutenant governor is on trial the presiding judge of the supreme court shall preside.

SEC. 3. The governor and other state and judicial officers, except County Judges, Justices of the Peace and Police Magistrates shall be liable to impeachment for drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the state. The person accused whether convicted or acquitted shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 4. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance or crime or misdemeanor in office, or for drunkenness or gross incompetency, in such manner as may be provided by law.

SEC. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 6. On trial of an impeachment against the governor the lieutenant governor shall not act as a member of the court.

SEC. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

SEC. 8. No person shall be liable to impeachment twice for the same offense.

ARTICLE XVII.

CORPORATIONS.

SECTION 1. No corporation shall be created or have its charter extended, changed or amended by special laws except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state; but the legislature shall provide, by general laws for the organization of all corporations hereafter to be created.

SEC. 2. All existing charters, or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business been commenced in good faith at the time this constitution takes effect, shall thereafter have no validity.

SEC. 3. The legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

SEC. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

SEC. 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

SEC. 6. No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

SEC. 7. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

SEC. 8. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law.

SEC. 9. The legislature shall have the power to alter, revise or annul, any charter of any corporation now existing and revocable at the taking effect of this Constitution, or any that may be created, whenever in their opinion it may be injurious to the citizens of this state, in such a manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

SEC. 10. No law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

SEC. 11. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph in this state and to connect the same with other lines; and the legislature shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire by purchase or otherwise, any other competing line of telegraph.

SEC. 12. Every railroad corporation organized or doing business in this state under the laws or authority thereof shall have and maintain a public office or place in this state for the transaction of its business, where transfers

of its stock shall be made, and in which shall be kept for public inspection books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock and the amount owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities; and the names and place of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 13. The rolling stock, and all other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no laws exempting such property from execution and sale.

SEC. 14. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given out, at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

SEC. 15. Railways heretofore constructed or that may hereafter be constructed, in this state are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to legislative control; and the legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight as such common carriers from one point to another in this state.

SEC. 16. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 17. The Legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

SEC. 18. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed, by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The Legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporation or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

SEC. 19. The term "corporations" as used in this Article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 20. Monopolies and trusts shall never be allowed in this State and no incorporated company, co-partnership or association of persons in this State shall directly or indirectly combine or make any contract with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders, or with any co-partnership or association

of persons, or in any manner whatever to fix the prices, limit the production or regulate the transportation of any product or commodity so as to prevent competition in such prices, production or transportation or to establish excessive prices therefor.

The Legislature shall pass laws for the enforcement of this section by adequate penalties and in the case of incorporated companies, if necessary for that purpose may, as a penalty, declare a forfeiture of their franchises.[20]

ARTICLE XVIII.

BANKING AND CURRENCY.

SECTION 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this state of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in the approved securities of the State or of the United States, to be rated at ten per centum below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

SEC. 2. Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed, but the Legislature may provide by general law for the reorganization of such banks.

SEC. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares or stock; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

ARTICLE XIX.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the members of the House of Representatives of the United States, apportioned to this state, shall be elected by the state at large.[21]

SEC. 2. Until otherwise provided by law, the Senatorial and Representative districts shall be formed, and the Senators and Representatives shall be apportioned as follows:[22]

ARTICLE XX.

SEAT OF GOVERNMENT.

SECTION 1. The question of the location of the temporary seat of government shall be submitted to a vote of the electors of the proposed State of South Dakota in the same manner and at the same election at which the Constitution shall be submitted, and the place receiving the highest number of votes shall be the temporary seat of government until a permanent seat of government shall be established as hereinafter provided.

SEC. 2. The legislature at its first session after the admission of the state, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the state at the next general election thereafter, and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.[23]

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[20] Section 20 is a new section; it was proposed by the legislature of 1895 and was ratified at the election of November 3, 1896.

[21] By Chapter 16, Acts 1911, the state is now divided into three congressional districts.

[22] The original apportionment of senators and representatives is now obsolete. The present apportionment is fixed by Chapter 17, Acts of 1911, as amended by Chapter 17, Acts of 1913; the election of 1918 will be made under the provisions of Chapter 292, Acts of 1917.

[23] The question of the location of a permanent seat of government was submitted to the voters at the election of November 4, 1890, and Pierre was selected; the vote was as follows: Pierre, 41,876; Huron, 34,252; scattering, 50.

SEC. 3. Should no place voted for at said election have a majority of all votes cast upon this question, the governor shall issue his proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving the majority of all votes cast upon this question shall be the permanent seat of government.

ARTICLE XXI.

MISCELLANEOUS.

SECTION 1. Seal and Coat of Arms.] The design of the great seal of South Dakota shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other features of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the State of South Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words, "State of South Dakota," in the lower part the words, "Great Seal," and the date in Arabic numerals of the year in which the State shall be admitted to the Union.

COMPENSATION OF PUBLIC OFFICERS.

SEC. 2. The Governor shall receive an annual salary of two thousand five hundred dollars; the Judges of the Supreme Court shall each receive an annual salary of two thousand five hundred dollars; the Judges of the Circuit Court shall each receive an annual salary of two thousand dollars; Provided, that the Legislature may, after the year one thousand eight hundred and ninety, increase the annual salary of the Governor and each of the Judges of the Supreme Court to three thousand dollars, and the annual salary of each of the Circuit Court Judges to two thousand five hundred dollars. The Secretary of State, State Treasurer and State Auditor shall each receive an annual salary of one thousand eight hundred dollars; the Commissioner of School and Public Lands shall receive an annual salary of one thousand eight hundred dollars; the Superintendent of Public Instruction shall receive an annual salary of one thousand eight hundred dollars; the Attorney General shall receive an annual salary of one thousand dollars; the compensation of the Lieutenant Governor shall be double the compensation of the State Senator. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries of the officers named in this article except as herein provided.

SEC. 3. Oath of Office.] Every person elected or appointed to any office in this state, except such inferior offices as may be by law exempted, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office.

SEC. 4. Exemptions.] The right of the debtor to enjoy the comforts and necessaries of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law, to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general laws.

SEC. 5. Rights of Married Women.] The real and personal property of any woman in this state, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

SEC. 6. The drainage of agricultural lands is hereby declared to be a public purpose and the Legislature may provide therefor, and may provide

for the organization of drainage districts for the drainage of lands for an public use, and may vest the corporate authorities thereof, and the corporat authorities of counties, townships and municipalities, with power to construc levees, drains and ditches, and to keep in repair all drains, ditches and levee heretofore constructed under the laws of this state, by special assessment upon the property benefited thereby, according to benefits received.[24]

SEC. 7. The irrigation of agricultural lands is hereby declared to be public purpose and the legislature may provide for the organization of irr gation districts for the irrigation of land, and may vest the corporate autho ities thereof and the corporate authorities of counties, townships and munic palities with the power to construct, operate and maintain irrigation dam reservoirs, canals, flumes, ditches and laterals, and to keep in repair all irr gation dams, reservoirs, canals, flumes, ditches and laterals heretofore co structed, under the laws of the state, by special assessments upon the proper benefited thereby according to the benefits received.[25]

ARTICLE XXII.

COMPACT WITH THE UNITED STATES.

The following article shall be irrevocable without the consent of the Unit States and the people of the State of South Dakota expressed by their Leg lative Assembly:

First, That perfect toleration of religious sentiment shall be secured, a that no inhabitant of this state shall ever be molested in person or proper on account of his or her mode of religous worship.

Second, That we, the people inhabiting the State of South Dakota, agree and declare that we forever disclaim all right and title to the un propriated public lands lying within the boundary of South Dakota, and all lands lying within said limits owned or held by any Indian or Indi tribes; and that until the title thereto shall have been extinguished by United States, the same shall be and remain subject to the disposition of United States; and said Indian lands shall remain under the absolute ju diction and control of the Congress of the United States; that the lands longing to citizens of the United States residing without the said State sh never be taxed at a higher rate than the lands belonging to residents of t State; that no taxes shall be imposed by the State of South Dakota on la or property therein belonging to or which may hereafter be purchased by United States, or reserved for its use. But nothing herein shall preclude State of South Dakota from taxing as other lands are taxed any lands, ow or held by any Indian who has severed his tribal relation and has obtai from the United States, or from any person a title thereto by patent or ot grant save and except such lands as have been or may be granted to Indian or Indians under any act of Congress containing a provision exempt the lands thus granted from taxation. All such lands which may have b exempted by any grant or law of the United States, shall remain exempt the extent, and as prescribed by such act of Congress.

Third, That the State of South Dakota shall assume and pay that por of the debts and liabilities of the Territory of Dakota as provided in Constitution.

Fourth, That provision shall be made for the establishment and ma nance of systems of public schools, which shall be open to all the childre this State, and free from sectarian control.

ARTICLE XXIII.

AMENDMENTS AND REVISIONS OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution ma proposed in either House of the Legislature, and if the same shall be ag

[24] Section 6 is a new section; it was proposed by the legislature of 1905 and ratified at the election of November 6, 1906.

[25] Section 7 is a new section; it was proposed by the legislature of 1915 and ratified at the election of November 7, 1916.

o by a majority of the members elected to each of the two houses, such pro-
osed amendment or amendments shall be entered on their journals, with the
eas and nays taken thereon, and it shall be the duty of the Legislature to
ubmit such proposed amendment or amendments to the vote of the people
t the next general election. And if the people shall approve and ratify such
mendment or amendments by a majority of the electors voting thereon, such
mendment or amendments shall become a part of this Constitution; Pro-
ided, that the amendment or amendments so proposed shall be published for
period of twelve weeks previous to the date of said election, in such manner
s the Legislature may provide; and Provided, further, That if more than
ne amendment be submitted they shall be submitted in such manner that the
eople may vote for or against such amendments separately.

SEC. 2. Whenever two-thirds of the members elected to each branch of
he Legislature shall think it necessary to call a convention to revise this
onstitution they shall recommend to the electors to vote at the next election
or members of the Legislature, for or against a convention; and if a majority
f all the electors voting at said election shall have voted for a convention,
he Legislature shall, at their next session, provide by law for calling the
ame. The convention shall consist of as many members as the House of
epresentatives of the Legislature, and shall be chosen in the same manner,
nd shall meet within three months after their election for the purpose afore-
aid.

ARTICLE XXIV.

PROHIBITION.

SECTION 1. No person, firm, club, association or corporation within this
tate, shall, on or after the first day of July, 1917, make, brew, distil or manu-
acture, or aid in making, brewing, distilling or manufacturing, for sale, bar-
er, trade, gift or beverage purposes, any spirituous, vinous, malt, brewed, fer-
nented or other intoxicating liquors, or any mixtures or compound which in
art consists of intoxicating liquors, except as hereinafter provided.

No person, firm, club, association or corporation within this state, shall,
n or after the first day of July, 1917, import or aid in importing into this
tate for sale, barter, trade, or gift, nor sell or aid in selling, nor offer for
ale, barter, or trade or aid in offering for sale, barter or trade, nor give
way or furnish or aid in giving away or furnishing, nor keep for sale, barter,
rade or gift, or aid in keeping for sale, barter, trade or gift, any spirituous,
inous, malt, brewed, fermented or other intoxicating liquor or any mixture
r compound which in part consists of intoxicating liquors, except as herein-
fter provided.

Provided, that nothing in this article contained shall be construed to
rohibit the compounding, importation, sale or keeping for sale any spirituous,
r vinous liquors or compounds or mixtures which in part consist of spirit-
ous or vinous liquors in this state for medicinal, mechanical, sacramental or
cientific purposes by regularly registered pharmacists, under such regula-
ions and restrictions as the Legislature may prescribe.

SEC. 2. The Legislature shall at its next session after the adoption of
his article prescribe regulations for the enforcement of the provisions of this
rticle and provide adequate and suitable penalties for the violation thereof.[26]

[ARTICLE XXV.]

[MINORITY REPRESENTATION.][27]

[26] The original Article XXIV was submitted to the electors on October 1, 1889, and was ratified as a separate proposition; by an amendment proposed by the legislature of 1895 and ratified on November 3, 1896, the entire Article was repealed; the present article was proposed by the legislature of 1915 and was ratified on November 7, 1916.

[27] Article XXV of the constitution was submitted to a separate vote at the time of the adoption of the constitution on October 1, 1889, and was rejected by a vote of 14,161 to 46,200.

ARTICLE XXVI.

SCHEDULE AND ORDINANCE.

SECTION 1. That no inconvenience may arise from the change of the territorial government to the permanent state government, it is hereby declared that all writs, actions, prosecutions, claims and rights of individuals, and all bodies corporate, shall continue as if no change had taken place in this government; and all process which may be before the organization of the judicial department under this constitution, issued under the authority of the Territory of Dakota, within the boundary of this state, shall be as valid as if issued in the name of the State of South Dakota.

SEC. 2. That all fines, penalties, forfeitures and escheats accruing to the Territory of Dakota, within the boundary of the State of South Dakota, shall accrue to the use of said state.

SEC. 3. That all recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State of South Dakota; and all bonds, obligations or undertakings, executed to this territory, within the boundaries of the State of South Dakota, or to any officer in his official capacity, shall pass over to the proper state authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly.

All criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the state.

SEC. 4. All officers, civil and military, now holding their offices and appointments in this territory under the authority of the United States, or under the authority of the Territory of Dakota, shall continue to hold and exercise their respective offices and appointments until superseded under this constitution; Provided, that the provisions of the above sections shall be subject to the provisions of the act of congress providing for the admission of the State of South Dakota, approved by the president of the United States on February 22, 1889.

SEC. 5. This constitution shall be submitted for adoption or rejection to a vote of the electors qualified by the laws of this territory to vote at all elections, at the election to be held on Tuesday, Oct. 1, 1889.

At the said election the ballots shall be in the following form:

For the constitution: Yes. No.

For prohibition: Yes. No.

For minority representation: Yes. No.

As a heading to each of said ballots shall be printed on each ballot the following instructions to voters:

All persons desiring to vote for the constitution, or for any of the articles submitted to a separate vote, must erase the word "No."

All persons who desire to vote against the constitution, or against any article submitted separately, must erase the word "Yes."

Any person may have printed or written on his ballot only the word "For the Constitution," or "Against the Constitution," and such ballot shall be counted for or against the Constitution accordingly. The same provision shall apply to articles submitted separately.

In addition to the foregoing election for the constitution and for the articles submitted by this convention for a separate vote thereon, an election shall be held at the same time and places, by the said qualified electors, for the following state officers, to be voted for on the same ballot as above provided for votes on the constitution and separate articles, to-wit:

A governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of school and public lands, judges of the supreme, circuit and county courts, representatives in congress, state senators, and representatives in the legislature.

All the elections above provided for shall be held in the same manner and form as provided for the election for the adoption or rejection of the constitution. And the names of all the officers above specified to be voted for at such election shall be written or printed upon the same ballots as the vote for or against the constitution.

The judges of election in counting the ballots voted at such election shall count all the affirmative ballots upon the constitution as votes for the constitution; and they shall count all the negative ballots voted at said election upon the constitution as votes against the constitution; and ballots voted at said election upon which neither of said words "Yes" or "No" following the words "For the Constitution" are erased, shall not be counted upon such proposition. And they shall count all affirmative ballots so voted upon the article on prohibition, separately submitted, as votes for such article, and they shall count all negative ballots so voted upon such article as votes against such article; and ballots upon which neither the words "Yes" or "No" following the words "For Prohibition" are erased, shall not be counted upon such proposition; and they shall count all the affirmative ballots so voted upon the article on minority representation, separately submitted, as votes for such article. And they shall count all negative ballots so voted upon such article as votes against such article; and ballots upon which neither of said words "Yes" or "No" following the words "For Minority Representation" are erased, shall not be counted upon such proposition.

If it shall appear in accordance with the returns hereinafter provided for, that a majority of the votes polled at such election, for and against the constitution, are for the constitution, then this constitution shall be the constitution of the State of South Dakota. If it shall appear, according to the returns hereinafter provided for, that a majority of all votes cast at said election for and against "Prohibition" are for prohibition then said Article XXIV shall be and form a part of this constitution, and be in full force and effect as such from date of said election, but if a majority of said votes shall appear, according to said returns to be against prohibition then Article XXIV shall be null and void and shall not be a part of this constitution. And if it appear, according to the returns hereinafter provided for, that a majority of all votes cast at said election for and against "Minority Representation" are for minority representation, then Article XXV shall be and form a part of said constitution, and be in full force and effect as such from the date of said election; but if a majority of said votes shall appear, according to said returns, to be against minority representation, then said Article XXV shall be null and void and shall not be a part of this constitution.

At such election the person voted for, for any one of the offices to be filled at such election, who shall receive the highest number of votes cast at said election, shall be declared elected to said office.

SEC. 6. At the same time and places of election there shall be held by said qualified electors an election for the place of the temporary seat of government.

On each ballot, and on the same ballot on which are the matters voted for or against, as hereinbefore provided, shall be written or printed the words "For Temporary Seat of Government." (Here insert the name of the city, town or place, to be voted for).

And upon the canvass and return of the vote, made as hereinafter provided for, the name of the city, town or place which shall have received the largest number of votes for said temporary seat of government, shall be declared by the governor, chief justice and secretary of the Territory of Dakota, or by any two of them, at the same time that they shall canvass the vote for or against the constitution, together with the whole number of votes cast for each city, town or place, and the officers above named, shall immediately after the result of said election shall have been ascertained, issue a proclamation directing the legislature elected at said election to assemble at said city, town or place so selected, on the day fixed by this schedule and ordinance.

SEC. 7. The election provided for herein shall be under the provisions of the constitution herewith submitted, and shall be conducted in all respects

as elections are conducted under the general laws of the Territory of Dakota, except as herein provided. No mere technicalities or informalities in the manner or form of election, or neglect of any officer to perform his duty with regard thereto, shall be deemed to vitiate or avoid the same, it being the true intent and object of this ordinance to ascertain and give effect to the true will of the people of the State of South Dakota, as expressed by their votes at the polls.

SEC. 8. Immediately after the election herein provided for, the judges of election at each voting place shall make a true and complete count of all the votes duly cast at such election, and shall certify and return the result of the same, with the names of all the candidates and the number of votes cast for each candidate, and the number of votes cast for and against the constitution, and the number of votes cast for and against prohibition, and the number of votes cast for and against minority representation, and the number of votes cast for each city, town or place for the "temporary seat of government," to the county clerk, or auditor of the respective counties, together with one of the poll lists and election books used in said election.

SEC. 9. Within five days after said election the several boards of county canvassers provided by law for the canvassing of the results of the election, shall make and certify to the secretary of the territory of Dakota the true and correct return of the total number of votes cast for the constitution, and against the constitution, of the number of votes cast for and against "prohibition," and the number of votes cast for and against "minority representation," and the number of votes cast for each city, town or place as the "temporary seat of government," and of the number of votes cast for each person voted for at such election, except county officers and members of the legislature, and shall transmit the same to the secretary of the territory of Dakota, by mail, and shall file with the county clerk or auditor of each of said counties a duplicate and certified copy of said return.

Said board of county canvassers shall issue certificates of election to the persons who shall have received the highest number of votes cast for the respective offices of judge of the county court, and representatives in the legislature, and for state senator or senators.

SEC. 10. When two or more counties are connected in one senatorial or representative district, it shall be the duty of the clerks and auditors of the respective counties to attend at the office of the county clerk of the senior county in the date of organization within twenty days after the date of election, and they shall compare the votes given in the several counties comprising such senatorial and representative district and such clerks or auditors shall immediately make out a certificate of election to the person having the highest number of votes in such district for state senator or representative or both; which certificate shall be delivered to the person entitled thereto on his application to the clerk of the senior county of such district.

SEC. 11. The secretary of the territory shall receive all returns of election transmitted to him as above provided, and shall preserve the same, and after they have been canvassed as hereinafter provided, and after the admission of the state of South Dakota into the Union, he shall deliver said returns to the proper state officer of said state of South Dakota.

Within fifteen days after said election the secretary of the territory, with the governor and chief justice thereof, or any two of them, shall canvass such returns and certify the same to the president of the United States, as provided in the enabling act.

They shall also ascertain the total number of votes cast at such election for the constitution and against the constitution; the total number of votes cast for and against prohibition; and the total number of votes cast for and against minority representation; and the total number of votes cast for each city, town or place as the "temporary seat of government;" and the total number of votes cast for each person voted for, for any office at said election excepting county judges and members of the legislature, and shall declare the result of said election in conformity with such vote, and the governor of the territory shall thereupon issue a proclamation at once thereof.

They shall also make and transmit to the state legislature, immediately upon its organization, a list of all the state and judicial officers who shall thus be ascertained to be duly elected.

The various county and district canvassing boards shall make and transmit to the secretary of the territory the names of all persons declared by them to be elected members of the senate and house of representatives of the state of South Dakota; he shall make separate lists of the senators and representatives so elected, which list shall constitute the rolls under which the senate and house of representatives shall be organized.

The governor of the territory shall make and issue certificates of election to the persons who are shown by the canvass to have received the highest number of votes for governor, lieutenant governor, secretary of state, auditor, treasurer, attorney-general, superintendent of public instruction, commissioner of school and public lands and judges of the supreme and circuit courts. Such certificates to be attested by the secretary of the territory.

SEC. 12. The apportionment made in this constitution shall govern the elections above provided for for members of the state legislature, until otherwise provided by law.

At the first election held under this ordinance for senators and representatives of the legislature, there shall be elected forty-five senators and one hundred and twenty-four representatives in the state legislature respectively.

SEC. 13. The legislature elected under the provisions of this ordinance and constitution shall assemble at the temporary seat of government on the third Tuesday in October, in the year A. D. 1889, at 12 o'clock noon, and on the first day of their assemblage the governor and other state officers shall take the oath of office in the presence of the legislature. The oath of office shall be administered to the members of the legislature and to the state officers by the chief justice of the territory, or by any other officer duly authorized by the laws of the territory of Dakota to administer oaths.

SEC. 14. Immediately after the organization of the legislature and taking the oath of office by the state officers, the legislature shall then and there proceed to the election of two senators of the United States for the State of South Dakota, in the mode and manner provided by the laws of Congress for the election of United States Senators. And the governor and the secretary of the state of South Dakota shall certify the election of the said senators and two representatives in Congress, in the manner required by law.

SEC. 15. Immediately after the election of the United States senators as above provided for, said legislature shall adjourn to meet at the temporary seat of government on the first Tuesday after the first Monday of January, 1890, at 12 o'clock M.; Provided, however, that if the State of South Dakota has not been admitted by proclamation or otherwise at said date, then said legislature shall convene within ten days after the date of the admission of the state into the Union.

SEC. 16. Nothing in this constitution or schedule contained shall be construed to authorize the legislature to exercise any powers except such as are necessary to its first organization, and to elect United States senators, and to adjourn as above provided. Nor to authorize an officer of the executive, administrative or judiciary departments to exercise any duties of his office until the State of South Dakota shall have been regularly admitted into the Union, excepting such as may be authorized by the Congress of the United States.

SEC. 17. The Ordinances and Schedule enacted by this Convention shall be held to be valid for all the purposes thereof.

SEC. 18. That we, the people of the State of South Dakota, do ordain:

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship.

Second: That we, the people inhabiting the State of South Dakota, do agree and declare, that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries of South Dakota; and to all lands lying within said limits owned or held by any Indian or Indian

tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States residing without the said State, shall never be taxed at a higher rate than the lands belonging to residents of this State. That no taxes shall be imposed by the State of South Dakota on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the State of South Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States, or from any person a title thereto by patent or other grant save and except such lands as have been, or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, all such lands which may have been exempted by any grant or law of the United States, shall remain exempt to the extent, and as prescribed by such act of Congress.

Third: That the State of South Dakota shall assume and pay that portion of the debts and liabilities of the Territory of Dakota as provided in this Constitution.

Fourth: That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of this State, and free from sectarian control.

Fifth: That jurisdiction is ceded to the United States over the military reservations of Fort Meade, Fort Randall and Fort Sully, heretofore declared by the President of the United States; Provided legal process, civil and criminal, of this state shall extend over such reservations in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservation.

These ordinances shall be irrevocable without the consent of the United States, and also the people of the said State of South Dakota, expressed by their Legislative Assembly.

SEC. 19. The tenure of all officers, whose election is provided for in this schedule, on the first day of October, A. D. 1889, shall be as follows:

The governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of school and public lands, judges of county courts, shall hold their respective offices until the first Tuesday, after the first Monday, in January, A. D. 1891, at twelve o'clock M., and until their successors are elected and qualified.

The judges of the supreme court and circuit courts, shall hold their offices until the first Tuesday, after the first Monday, in January, A. D. 1894, at twelve o'clock M., and until their successors are elected and qualified; subject to the provisions of Sec. 26 of Article V of the constitution.

The terms of office of the members of the legislature, elected at the first election held under the provisions of this constitution, shall expire on the first Tuesday, after the first Monday, in January, one thousand eight hundred and ninety-one (1891).

SEC. 20. That the first general election under the provisions of this constitution, shall be held on the first Tuesday, after the first Monday, in November, 1890, and every two years thereafter.

SEC. 21. The following form of ballot is adopted.

CONSTITUTIONAL TICKET.

INSTRUCTIONS TO VOTERS.

All persons desiring to vote for the constitution, or for any of the articles submitted to a separate vote, may erase the word "No."

All persons who desire to vote against the constitution, or any article separately submitted may erase the word "Yes."

For the Constitution: Yes, No.

For Prohibition: Yes. No.
For Minority Representation: Yes. No.
For _____as the temporary seat of government.

For Governor.

_____

For Lieutenant Governor.

_____

For Secretary of State.

_____

For Auditor.

_____

For Treasurer.

_____

For Attorney General.

_____

For Superintendent of Public Instruction.

_____

For Commissioner of School and Public Lands.

_____

For Judges of the Supreme Court.

_____

First District _____
Second District _____
Third District _____
For Judge of the Circuit Court _____Circuit

_____

For Representatives in Congress.

_____

For State Senator.

_____

For Representative in the Legislature.

_____

For County Judge.

_____

SEC. 22. This constitution shall be enrolled and after adoption and signing by the convention shall be delivered to Hon. A. J. Edgerton, the president of the constitutional convention, for safe keeping, and by him to be delivered to the secretary of state as soon as he assumes the duties of his office, and printed copies thereof shall be prefixed to the books containing the laws of the state and all future editions thereof.

The president of this convention shall also supervise the making of the copy that must be sent to the president of the United States; said copy is to be certified by the president and chief clerk of this convention.

SEC. 23. "The agreement made by the joint commission of the constitutional conventions of North and South Dakota concerning the records, books and archives of the Territory of Dakota is hereby ratified and confirmed, which agreement is in the words following: That is to say:"

The following books, records and archives of the Territory of Dakota shall be the property of North Dakota, towit:

All records, books and archives in the offices of the governor and secretary of the territory (except records of articles of incorporation of domestic corporations, returns of election of delegates to the constitutional convention of 1889, for South Dakota, returns of elections held under the so-called local option law in counties within the limits of South Dakota, bonds of notaries public appointed for counties within the limits of South Dakota, papers relating to the organization of counties situate within the limits of South Dakota, all of which records and archives are a part of the records and archives of said secretary's office; excepting also census returns from counties situate within the limits of South Dakota and papers relating to requisitions issued upon the application of officers of counties situate within the limits of South

Dakota, all which are part of the records and archives of said governor's office.)

And the following records books and archives shall also be the property of the State of North Dakota, towit:

Vouchers in the office or in the custody of the auditor of this territory relating to expenditures on account of public institutions, grounds or buildings situate within the limits of North Dakota; one warrant register in the office of the treasurer of this territory, being a record of warrants issued under and by virtue of chapter twenty-four of the laws enacted by the eighteenth legislative assembly of Dakota territory; all letters, receipts and vouchers in the same office now filed by counties and pertaining to counties within the limits of North Dakota; paid and cancelled coupons in the same office representing interest on bonds which said State of North Dakota is to assume and pay; reports of gross earnings of the year 1888 in the same office, made by corporations operating lines of railroad situated wholly or mainly within the limits of North Dakota; records and papers of the office of the public examiner of the second district of the territory; records and papers of the office of the second district board of agriculture; records and papers in the office of the board of pharmacy of the district of North Dakota.

All records, books and archives of the Territory of Dakota which it is not herein agreed shall be the property of North Dakota, shall be the property of South Dakota.

The following books shall be copied and the copies shall be the property of North Dakota, and the cost of such copies shall be borne equally by the said states of North Dakota and South Dakota. That is to say:

Appropriation ledger for the years ending November, 1889 and 1890—one volume.

The current warrant auditor's register—one volume.

Insurance record for 1889—one volume.

Treasurer's cash book "D".

Assessment ledger "B".

Dakota Territory bond register—one volume.

Treasurer's current ledger—one volume.

The originals of the foregoing volumes which are to be copied, shall at any time after such copying shall have been completed, be delivered on demand to the proper authorities of the State of South Dakota.

All other records, books and archives which it is hereby agreed shall be the property of South Dakota shall remain at the capital of North Dakota until demanded by the legislature of the State of South Dakota and until the State of North Dakota shall have had a reasonable time after such demand is made to provide copies or abstracts or such portions thereof as the said State of North Dakota may desire to have copies or abstracts of.

The State of South Dakota may also provide copies or abstracts of such records, books and archives which is agreed shall be the property of North Dakota as said State of South Dakota shall desire to have copies or abstracts of.

The expense of all copies or abstracts of records, books and archives which it is herein agreed may be made, shall be borne equally by said two states.

[ARTICLE XXVII.]

[STATE CONTROL OF MANUFACTURE AND SALE OF LIQUOR.][28]

[28] Article XXVII was proposed by the legislature of 1897 as a new article and was ratified at the election of November 8, 1898. By an amendment proposed by the legislature of 1899 and ratified at the election of November 6, 1900, this Article was repealed. See Article XXIV. The text of Article XXVII as originally proposed in 1897 and ratified in 1898 is as follows:

ARTICLE XXVII. Sec. 1.] The manufacture and sale of intoxicating liquors shall be under exclusive state control and shall be conducted by duly authorized agents of the state, who shall be paid by salary and not by commissions. All liquors sold shall be first examined by a state chemist and the purity thereof established.

ARTICLE XXVIII.

SECTION 1. The several counties of the State shall invest the moneys of the permanent school and endowment funds in bonds of school corporation, state, county and municipal bonds or in first mortgages upon good improved farm lands within their limits respectively; under such regulations as the legislature may provide, but no farm loan shall exceed one thousand dollars to any one person, firm or corporation.[29]

[29] Article XXVIII is a new article; it was proposed by the legislature of 1899 and was ratified at the election of November 6, 1900.

CONSTITUTION OF TENNESSEE—1870.*

PREAMBLE AND DECLARATION OF RIGHTS.

Whereas the people of the territory of the United States south of the River Ohio, having the right of admission into the general government as a member State thereof, consistent with the Constitution of the United States and the Act of cession of the State of North Carolina, recognizing the ordinance for the government of the territory of the United States northwest of the Ohio River, by their delegates and representatives in convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution, or form of government, and mutually agreed with each other to form themselves into a free and independent State by the name of the State of Tennessee; and

Whereas the General Assembly of the said State of Tennessee (pursuant to the third section of the tenth Article of the Constitution), by an Act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An Act" to provide for the calling of a convention, passed in obedience to the declared will of the voters of the State, as expressed at the general election of August, in the year of our Lord one thousand eight hundred and thirty-three, did authorize and provide for the election, by the people, of delegates and representatives, to meet at Nashville, in Davidson County, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising and amending, or changing, the Constitution, and said convention did accordingly meet and form a Constitution, which was submitted to the people, and was ratified by them, on the first Friday in March, in the year of our Lord one thousand eight hundred and thirty-five; and

Whereas the General Assembly of the said State of Tennessee, under and in virtue of the first section of the first Article of the Declaration of Rights, contained in and forming a part of the existing Constitution of the State, by an Act passed on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, did provide for the calling of a convention by the people of the State, to meet at Nashville, on the second Monday in January, in the year of our Lord one thousand eight hundred and seventy, and for the election of delegates for the purpose of amending or revising the present Constitution, or forming and making a new Constitution; and

Whereas the people of the State, in the mode provided by said Act, have called said convention and elected delegates to represent them therein; now, therefore, we, the delegates and representatives of the people of the State of Tennessee, duly elected, and in convention assembled, in pursuance of said Act of Assembly, have ordained and established the following Constitution and form of government for this State, which we recommend to the people of Tennessee for their ratification—that is to say:

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends, they have at all times

* The convention which drafted the constitution of Tennessee assembled at Nashville on the second Monday in January, 1870, and adjourned on February 23, 1870. The constitution was submitted to the electors on March 26, 1870, and was ratified by a vote of 98,128 to 33,872. The constitution was submitted as a whole and no proposition was submitted separately. The proclamation of the governor declaring the constitution ratified was issued on May 5, 1870. This constitution has never been amended since its adoption.

an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.

SEC. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister, against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

SEC. 4. That no political or religious test, other than an oath to support the Constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State.

SEC. 5. That elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction.

SEC. 6. That the right of trial by jury shall remain inviolate, and no religious or political test shall ever be required as a qualification for jurors.

SEC. 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offenses are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

SEC. 8. That no man shall be taken or imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the judgment of his peers or the law of the land.

SEC. 9. That in all criminal prosecutions the accused hath the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

SEC. 10. That no person shall, for the same offense, be twice put in jeopardy of life or limb.

SEC. 11. That laws made for the punishment of acts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no ex post law shall be made.

SEC. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

SEC. 13. That no person arrested and confined in jail shall be treated with unnecessary rigor.

SEC. 14. That no person shall be put to answer any criminal charge but by presentment, indictment, or impeachment.

SEC. 15. That all prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident, or the presumption great, and the privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the General Assembly shall declare the public safety requires it.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 17. That all courts shall be open; and every man, for an injury done him in his lands, goods, persons, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct.

SEC. 18. The Legislature shall pass no law authorizing imprisonment for debt in civil cases.

SEC. 19. That the printing presses shall be free to every person to examine the proceedings of the Legislature, or of any branch or officer of the government; and no law shall ever be made to restrain the right thereof.

The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other criminal cases.

SEC. 20. That no retrospective law, or law impairing the obligations of contracts, shall be made.

SEC. 21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

SEC. 22. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

SEC. 23. That the citizens have a right, in a peaceable manner, to assemble together for their common good, to instruct their representatives, and to apply to those invested with the powers of government, for redress of grievances, or other purposes, by addresses or remonstrance.

SEC. 24. That the sure and certain defense of a free people is a well-regulated militia; and as standing armies in time of peace are dangerous to freedom, they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

SEC. 25. That no citizen of this State, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to punishment under the martial or military law; that martial law, in the sence of the unrestricted power of military officers, or others, to dispose of the persons, liberties, or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State.

SEC. 26. That the citizens of this State have a right to keep and to bear arms for their common defense; but the Legislature shall have the power, by law, to regulate the wearing of arms with a view to prevent crime.

SEC. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

SEC. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

SEC. 29. That an equal participation in the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it can not, therefore, be conceded to any prince, potentate, power, person, or persons whatever.

SEC. 30. That no hereditary emoluments, privileges, or honors shall ever be granted or conferred in this State.

SEC. 31. That the limits and boundaries of this State be ascertained, it is declared they are as hereafter mentioned—that is to say: Beginning on the extreme height of the Stone Mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degree and thirty minutes north; running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it; thence a direct course to the

top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of the Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to the place where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence, along the extreme height of said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of said mountain, to the place where it is called the Great Iron, or Smoky, Mountain; thence along the extreme height of said mountain, to the place where it is called Unicoi, or Unaka, Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, as described in the Act of cession of North Carolina to the United States of America; and that all the territory, lands, and waters lying west of said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty, and the right of soil, so far as is consistent with the Constitution of the United States, recognizing the Articles of Confederation, the Bill of Rights, and Constitution of North Carolina, the cession Act of the said State, and the ordinance of Congress for the government of the territory, northwest of the Ohio; Provided, nothing herein contained shall extend to affect the claim or claims of individuals to any part of the soil which is recognized to them by the aforesaid cession Act; And provided also, that the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired, by compact or agreement with other States, or otherwise, although such land and territory are not included within the boundaries hereinbefore designated.

SEC. 32. That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners shall be provided for.

SEC. 33. That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are forever prohibited in this State.

SEC. 34. The General Assembly shall make no law recognizing the right of property in man.

ARTICLE II.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government shall be divided into three distinct departments: the Legislative, Executive, and Judicial.

SEC. 2. No person, or persons, belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

LEGISLATIVE DEPARTMENT.

SEC. 3. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people; who shall hold their offices for two years from the day of the general election.

SEC. 4. An enumeration of the qualified voters, and an apportionment of the Representatives in the General Assembly, shall be made in the year one thousand eight hundred and seventy-one, and within every subsequent term of ten years.

SEC. 5. The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each; and shall not exceed seventy-five until the population of the State shall be one million and a half, and shall never exceed ninety-nine; Provided, that any county having two-thirds of the ratio shall be entitled to one member.

SEC. 6. The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall not exceed one-

third the number of representatives. In apportioning the Senators among the different counties the fraction that may be lost by any county or counties, in the apportionment of members to the House of Representatives, shall be made up to such county or counties in the Senate, as near as may be practicable. When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

SEC. 7. The first election for Senators and Representatives shall be held on the second Tuesday in November, one thousand eight hundred and seventy; and forever thereafter, elections for members of the General Assembly shall be held once in two years, on the first Tuesday after the first Monday in November. Said elections shall terminate the same day.

SEC. 8. The first session of the General Assembly shall commence on the first Monday in October, one thousand eight hundred and seventy-one, at which time the term of service of the members shall commence, and expire on the first Tuesday of November, one thousand eight hundred and seventy-two, at which session the Governor elected on the second Tuesday in November, one thousand eight hundred and seventy, shall be inaugurated; and forever thereafter, the General Assembly shall meet on the first Monday in January next ensuing the election, at which session thereof the Governor shall be inaugurated.

SEC. 9. No person shall be a Representative unless he shall be a citizen of the United States, of the age of twenty-one years, and shall have been a citizen of this State for three years, and a resident in the county he represents one year, immediately preceding the election.

SEC. 10. No person shall be a Senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided three years in this State, and one year in the county or district, immediately preceding the election. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or the General Assembly, except to the office of trustee of a literary institution.

SEC. 11. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, be judges of the qualifications and election of its members, and sit upon its own adjournments from day to day. Not less than two-thirds of all the members to which each house shall be entitled shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

SEC. 12. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offense; and shall have all other powers necessary for a branch of the Legislature of a free State.

SEC. 13. Senators and Representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

SEC. 14. Each house may punish, by imprisonment, during its session, any person not a member, who shall be guilty of disrespect to the house, by any disorderly or any contemptuous behavior in its presence.

SEC. 15. When vacancies happen in either house, the Governor, for the time being, shall issue writs of election to fill such vacancies.

SEC. 16. Neither house shall, during its session, adjourn without the consent of the other for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 17. Bills may originate in either house; but may be amended, altered or rejected by the other. No bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive, or amend former laws shall recite in their caption, or otherwise, the title or substance of the law repealed, revived, or amended.

SEC. 18. Every bill shall be read once, on three different days, and be ıssed each time in the house where it originated, before transmission to the ther. No bill shall become a law until it shall have been read and passed ı three different days in each house, and shall have received, on its final ıssage in each house, the assent of a majority of all the members to which ıat house shall be entitled under this Constitution; and shall have been gned by the respective Speakers in open session, the fact of such signing be noted on the journal; and shall have received the approval of the overnor, or shall have been otherwise passed under the provisions of this onstitution.

SEC. 19. After a bill has been rejected, no bill containing the same subance shall be passed into a law during the same session.

SEC. 20. The style of the laws of this State shall be, "Be it enacted by e General Assembly of the State of Tennessee." No law of a general nature all take effect until forty days after its passage, unless the same or the ption shall state that the public welfare requires that it should take effect oner.

SEC. 21. Each house shall keep a journal of its proceedings, and publish except such parts as the welfare of the State may require to be kept cret; the ayes and noes shall be taken in each house upon the final passage every bill of a general character, and bills making appropriations of public oneys; and the ayes and noes of the members on any question shall, at the quest of any five of them, be entered on the journal.

SEC. 22. The doors of each house and of committees of the whole shall kept open, unless when the business shall be such as ought to be kept cret.

SEC. 23. The sum of four dollars per day, and four dollars for every enty-five miles traveling to and from the seat of government, shall be owed to the members of each General Assembly elected after the ratification this Constitution, as a compensation for their services. But no member all be paid for more than seventy-five days of a regular session, or for ore than twenty days of any extra or called session, or for any day when sent from his seat in the legislature, unless physically unable to attend. e senators, when sitting as a court of impeachment, shall each receive four llars per day of actual attendance.

SEC. 24. No money shall be drawn from the treasury but in consequence appropriations made by law; and an accurate statement of the receipts l expenditures of the public money shall be attached to and published h the laws at the rise of each stated session of the General Assembly.

SEC. 25. No person who heretofore hath been, or may hereafter be, a lector or holder of public moneys, shall have a seat in either house of the neral Assembly, or hold any other office under the State Government, until h person shall have accounted for and paid into the treasury all sums for ich he may be accountable or liable.

SEC. 26. No judge of any court of law or equity, Secretary of State, orney-general, register, clerk of any court of record, or person holding any e under the authority of the United States, shall have a seat in the neral Assembly, nor shall any person in this State hold more than one ative office at the same time; Provided, that no appointment in the militia, to the office of justice of the peace, shall be considered a lucrative office operative as a disqualification to a seat in either house of the General embly.

SEC. 27. Any member of either house of the General Assembly shall have rty to dissent from and protest against any act or resolve which he may k injurious to the public or to any individual, and to have the reasons for dissent entered on the journals.

SEC. 28. All property, real, personal, or mixed, shall be taxed; but the slature may except such as may be held by the State, by counties, cities, owns, and used exclusively for public or corporation purposes, and such may be held and used for purposes purely religious, charitable, scientific,

literary, or educational, and shall except one thousand dollars' worth of personal property in the hands of each taxpayer, and the direct product of the soil in the hands of the producer and his immediate vendee. All property shall be taxed according to its value, that value to be ascertained in such manner as the Legislature shall direct, so that taxes shall be equal and uniform throughout the State. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of the same value; but the Legislature shall have power to tax merchants, peddlers, and privileges in such manner as they may from time to time direct. The portion of a merchant's capital used in the purchase of merchandise sold by him to nonresidents, and sent beyond the State, shall not be taxed at a rate higher than the ad valorem tax on property. The Legislature shall have the power to levy a tax upon incomes derived from stocks and bonds that are not taxed ad valorem. All male citizens of this State over the age of twenty-one years, except such persons as may be exempted by law on account of age or other infirmity, shall be liable to a poll tax of not less than fifty cents nor more than one dollar per annum; nor shall any county or corporation levy a poll tax exceeding the amount levied by the State.

Sec. 29. The General Assembly shall have power to authorize the several counties and incorporated towns in this State to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation.

But the credit of no county, city, or town shall be given or loaned to or in aid of any person, company, association, or corporation, except upon an election to be first held by the qualified voters of such county, city, or town, and the assent of three-fourths of the votes cast at said election. Nor shall any county, city or town become a stockholder with others in any company, association, or corporation, except upon a like election and the assent of a like majority. But the counties of Grainger, Hawkins, Hancock, Union, Campbell, Scott, Morgan, Grundy, Sumner, Smith, Fentress, Van Buren, and the new county herein authorized to be established out of fractions of Sumner, Macon, and Smith Counties, White, Putnam, Overton, Jackson, Cumberland, Anderson, Henderson, Wayne, Cocke, Coffee, Macon, Marshall, and Roane shall be excepted out of the provisions of this section, so far that the assent of a majority of the qualified voters of either of said counties voting on the question shall be sufficient, when the credit of such county is given or loaned to any person, association, or corporation; Provided, that the exception of the counties above named shall not be in force beyond the year one thousand eight hundred and eighty, and after that period they shall be subject to the three-fourths majority applicable to the other counties of the State.

Sec. 30. No article manufactured of the produce of this State shall be taxed otherwise than to pay inspection fees.

Sec. 31. The credit of this State shall not be hereafter loaned or given to or in aid of any person, association, company, corporation, or municipality, nor shall the State become the owner, in whole or in part, of any bank, or stockholder with others in any association, company, corporation, or municipality.

Sec. 32. No convention or General Assembly of this State shall act upon any amendment of the Constitution of the United States, proposed by Congress to the several States, unless such convention or General Assembly shall have been elected after such amendment is submitted.

Sec. 33. No bonds of the State shall be issued to any railroad company which, at the time of its application for the same, shall be in default in paying the interest upon the State bonds previously loaned to it, or that shall hereafter, and before such application, sell or absolutely dispose of any State bonds loaned to it for less than par.

ARTICLE III.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall be chosen by the electors of the members of the General Assembly, at the time and places where they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by joint vote of both houses of the General Assembly. Contested elections for Governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election

SEC. 4. The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

SEC. 5. He shall be commander in chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States; but the militia shall not be called into service except in case of rebellion or invasion, and then only when the General Assembly shall declare by law that the public safety requires it.

SEC. 6. He shall have power to grant reprieves and pardons, after convictions, except in cases of impeachment.

SEC. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

SEC. 8. He may require information, in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 9. He may, on extraordinary occasions, convene the General Assembly by proclamation, in which he shall state specifically the purposes for which they are to convene; but they shall enter on no legislative business except that for which they were specifically called together.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall, from time to time, give to the General Assembly information of the state of the government, and recommend for their consideration such measures as he shall judge expedient.

SEC. 12. In case of the removal of the Governor from office, or of his death or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve on the Speaker of the House of Representatives.

SEC. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

SEC. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office, by the expiration of the term, or by other means, become vacant, the Governor shall have the power to fill such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

SEC. 15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Tennessee.

SEC. 16. All grants and commissions shall be in the name and by the

authority of the State of Tennessee, be sealed with the State seal, and signed by the Governor.

SEC. 7. A Secretary of State shall be appointed by joint vote of the General Assembly, and commissioned during the term of four years; he shall keep a fair register of all the official acts and proceedings of the Governor and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the General Assembly; and shall perform such other duties as shall be enjoined by law.

SEC. 18. Every bill which may pass both houses of the General Assembly shall, before it becomes a law, be presented to the Governor for his signature. If he approve it, he shall sign it, and the same shall become a law; but if he refuse to sign it, he shall return it, with his objections thereto in writing, to the house in which it originated; and said house shall cause said objections to be entered at large upon its journal, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, notwithstanding the objections of the Executive, it shall be sent, with said objections, to the other house, by which it shall be likewise reconsidered. If approved by a majority of the whole number elected to that house, it shall become a law. The votes of both houses shall be determined by yeas and nays, and the names of all the members voting for or against the bill shall be entered upon the journals of their respective houses. If the Governor shall fail to return any bill, with his objections, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law without his signature, unless the General Assembly, by its adjournment, prevents its return, in which case it shall not become a law. Every joint resolution or order (except on questions of adjournment) shall likewise be presented to the Governor for his signature, and before it shall take effect shall receive his signature; and on being disapproved by him, shall, in like manner, be returned, with his objections; and the same, before it shall take effect, shall be repassed by a majority of all the members elected to both houses, in the manner and according to the rules prescribed in case of a bill.

ARTICLE IV.

ELECTIONS.

SECTION 1. Every male person of the age of twenty-one years, being a citizen of the United States, and a resident of this State for twelve months and of the county wherein he may offer his vote for six months, next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other civil officers for the county or district in which he resides; and there shall be no qualification attached to the right of suffrage except that each voter shall give to the judges of election, where he offers to vote, satisfactory evidence that he has paid the poll taxes assessed against him for such preceding period as the Legislature shall prescribe, and at such time as may be prescribed by law; without which his vote cannot be received. And all male citizens of the State shall be subject to the payment of poll taxes and to the performance of military duty within such ages as may be prescribed by law. The General Assembly shall have power to enact laws requiring voters to vote in the election precincts in which they may reside, and laws to secure the freedom of election and the purity of the ballot box.

SEC. 2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

SEC. 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest or summons, during their attendance at elections, and in going to and returning from them.

SEC. 4. In all elections to be made by the General Assembly, the members thereof shall vote viva voce, and their votes shall be entered on the journal. All other elections shall be by ballot.

ARTICLE V.

IMPEACHMENT.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and the Chief Justice of the Supreme Court—or, if he be on trial, the senior associate judge—shall preside over them. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

SEC. 3. The House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned sine die, when the Senate shall proceed to try such impeachment.

SEC. 4. The Governor, judges of the Supreme Court, judges of the inferior courts, chancellors, attorneys for the State, Treasurer, Comptroller and Secretary of State, shall be liable to impeachment whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification; but judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment, and punishment according to law. The Legislature now has, and shall continue to have, power to relieve from the penalties imposed any person disqualified from holding office by the judgment of a court of impeachment.

SEC. 5. Justices of the peace, and other civil officers, not hereinbefore mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and, upon conviction, shall be removed from office by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in one Supreme Court, and in such Circuit, Chancery, and other inferior courts as the Legislature shall, from time to time, ordain and establish; in the judges thereof, and in justices of the peace. The Legislature may also vest such jurisdiction in corporation courts as may be deemed necessary. Courts to be holden by justices of the peace may also be established.

SEC. 2. The Supreme Court shall consist of five judges, of whom not more than two shall reside in any one of the grand divisions of the State. The judges shall designate one of their own number who shall preside as Chief Justice. The concurrence of three of the judges shall, in every case, be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may, from time to time, be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said Court shall be held at Knoxville, Nashville, and Jackson.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified voters of the State. The Legislature shall have power to prescribe such rules as may be necessary to carry out the provisions of Section 2 of this article. Every judge of the Supreme Court shall be thirty-five years of age, and shall, before his election, have been a resident of the State for five years. His term of service shall be eight years.

SEC. 4. The judges of the Circuit and Chancery Courts, and of other inferior courts, shall be elected by the qualified voters of the district or circuits to which they are to be assigned. Every judge of such courts shall be thirty years of age, and shall, before his election, have been a resident of the State for five years, and of the circuit or district one year. His term of service shall be eight years.

SEC. 5. An Attorney-general and Reporter for the State shall be appointed by the judges of the Supreme Court, and shall hold his office for a term of eight years. An attorney for the State for any circuit or district for which a judge having criminal jurisdiction shall be provided by law shall be elected by the qualified voters of such circuit or district, and shall hold his office for a term of eight years, and shall have been a resident of the State five years, and of the circuit or district one year. In all cases where the attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney pro tempore.

SEC. 6. Judges and attorneys for the State may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote. The vote shall be determined by ayes and noes, and the names of the members voting for or against the judge or attorney for the State, together with the cause or causes of removal, shall be entered on the journal of each house, respectively. The judge or attorney for the State, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either house of the General Assembly shall act thereupon.

SEC. 7. The judges of the Supreme Court or inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the time for which they are elected. They shall not be allowed any fees or perquisites of office nor hold any office of trust or profit under this State or the United States.

SEC. 8. The jurisdiction of the Circuit, Chancery, and other inferior courts shall be as now established by law, until changed by the Legislature.

SEC. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 10. The judges or justices of inferior courts of law and equity shall have power in all civil cases [cases] to issue writs of certiorari, to remove any cause or the transcript of the record thereof, from any inferior jurisdiction into such court of law, on sufficient cause, supported by oath or affirmation.

SEC. 11. No judge of the Supreme or inferior courts shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the Supreme Court shall thus be disqualified from presiding on the trial of any cause or causes, the court, or the judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men, of law knowledge, for the trial and determination thereof. The Legislature may, by general laws, make provision that special judges may be appointed to hold any courts the judge of which shall be unable or fail to attend or sit, or to hear any in which the judge may be incompetent.

SEC. 12. All writs and other process shall run in the name of the State of Tennessee, and bear teste and be signed by the respective clerks. Indictments shall conclude, "against the peace and dignity of the State."

SEC. 13. Judges of the Supreme Court shall appoint their clerks, who shall hold their offices for six years. Chancellors shall appoint their clerks and masters, who shall hold their offices for six years. Clerks of inferior courts, holden in the respective counties or districts, shall be elected by the qualified voters thereof, for the term of four years. Any clerk may be removed from office for malfeasance, incompetency, or neglect of duty, in such manner as may be prescribed by law.

SEC. 14. No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

SEC. 15. The different counties of this State shall be laid off, as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two justices of the peace and one constable elected in each district, by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables. The jurisdiction of said officers shall be co-extensive with the county. Justices of the peace shall be elected for the term of six, and constables for the term of two, years. Upon removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the peace shall be commissioned by the Governor. The Legislature shall have power to provide for the appointment of an additional number of justices of the peace in incorporated towns.

ARTICLE VII.

STATE AND COUNTY OFFICER.

SECTION 1. There shall be elected in each county, by the qualified voters therein, one sheriff, one trustee, one register; the sheriff and trustee for two years, and the register for four years. But no person shall be eligible to the office of sheriff more than six years in any term of eight years. There shall be elected for each county, by the justices of the peace, one coroner and one ranger, who shall hold their offices for two years; said officers shall be removed for malfeasance, or neglect of duty, in such manner as may be prescribed by law.

SEC. 2. Should a vacancy occur, subsequent to an election, in the office of sheriff, trustee, or register, it shall be filled by the justices; if in that of the clerks to be elected by the people, it shall be filled by the courts; and the person so appointed shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

SEC. 3. There shall be a Treasurer, or Treasurers, and a Comptroller of the Treasury, appointed for the State, by the joint vote of both houses of the General Assembly, who shall hold their offices for two years.

SEC. 4. The election of all officers and the filling of all vacancies not otherwise directed or provided by this Constitution shall be made in such manner as the Legislature shall direct.

SEC. 5. Elections for judicial and other civil officers shall be held on the first Thursday in August, one thousand eight hundred and seventy, and forever thereafter on the first Thursday in August next preceding the expiration of their respective terms of service.

The term of each officer so elected shall be computed from the first day of September next succeeding his election. The term of office of the Governor and of other executive officers shall be computed from the fifteenth of January next after election of the Governor. No appointment or election to fill a vacancy shall be made for a period extending beyond the unexpired term. Every officer shall hold his office until his successor is elected or appointed and qualified. No special election shall be held to fill a vacancy in the office of judge or district attorney, but at the time herein fixed for the biennial election of civil officers; and such vacancy shall be filled at the next biennial election occurring more than thirty days after the vacancy occurs.

ARTICLE VIII.

MILITIA.

SECTION 1. All militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

SEC. 2. The Governor shall appoint the adjutant general and his other

staff officers; the major generals, brigadier generals, and commanding officers of regiments shall, respectively, appoint their staff officers.

SEC. 3. The Legislature shall pass laws exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE IX.

DISQUALIFICATION.

SECTION 1. Whereas ministers of the gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the Legislature.

SEC. 2. No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

SEC. 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

ARTICLE X.

OATHS, BRIBERY OF ELECTORS, NEW COUNTIES.

SECTION 1. Every person who shall be chosen or appointed to any office of trust or profit under this Constitution, or any law made in pursuance thereof, shall, before entering upon the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office.

SEC. 2. Each member of the Senate and House of Representatives shall, before they proceed to business, take an oath or affirmation to support the Constitution of this State, and of the United States, and also the following oath: "I ————————, do solemnly swear [or affirm] that, as a member of the General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State."

SEC. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise, or bestow any such reward to be elected shall thereby be rendered incapable, for six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

SEC. 4. New counties may be established by the Legislature, to consist of not less than two hundred and seventy-five square miles, and which shall contain a population of seven hundred qualified voters. No line of such county shall approach the courthouse of any old county from which it may be taken nearer than eleven miles, nor shall such old county be reduced to less than five hundred square miles. But the following exceptions are made to the foregoing provisions, viz.: New counties may be established by the present or any succeeding Legislature out of the following territory—to wit: Out of that portion of Obion County which lies west of low-water mark of Reelfoot Lake; out of fractions of Sumner, Macon, and Smith Counties; but no line of such new county shall approach the courthouse of Sumner or Smith Counties nearer than ten miles, nor include any part of Macon County lying within nine and a half miles of the courthouse of said county; nor shall

more than twenty square miles of Macon County, nor any part of Sumner County lying due west of the western boundary of Macon County, be taken in the formation of said new county; out of fractions of Grainger and Jefferson Counties, but no line of such new county shall include any part of Grainger County north of the Holston River; nor shall any line thereof approach the courthouse of Jefferson County nearer than eleven miles. Such new county may include any other territory which is not excluded by any general provision of this Constitution; out of fractions of Jackson and Overton Counties, but no line of such new county shall approach the courthouse of Jackson or Overton Counties nearer than ten miles; nor shall such county contain less than four hundred qualified voters, nor shall the area of either of the old counties be reduced below four hundred and fifty square miles; out of fractions of Roane, Monroe, and Blount Counties, around the town of Loudon, but no line of such new county shall ever approach the towns of Maryville, Kingston, or Madisonville nearer than eleven miles, except that, on the south side of the Tennessee River, said lines may approach as near as ten miles to the courthouse of Roane County.

The counties of Lewis, Cheatham, and Sequatchie, as now established by legislative enactments, are hereby declared to be constitutional counties. No part of Bledsoe County shall be taken to form a new county, or a part thereof, or be attached to any adjoining county.

That portion of Marion County included within the following boundaries—beginning on the Grundy and Marion County line, at the Nick-a-Jack Trace, and running about six hundred yards west of Ben. Posey's, to where the Tennessee Coal Railroad crosses the line, running thence southeast through the pocket, near William Summar's, crossing the Battle Creek Gulf at the corner of Thomas Wooten's field; thence running across the Little Gizzard Gulf, at Raven Point; thence in a direct line to the bridge crossing the Big Fiery Gizzard; thence in a direct line to the mouth of Holy Water Creek; thence up said creek to the Grundy County line, and thence with said line to the beginning, is hereby detatched from Marion County, and attached to the county of Grundy.

No part of a county shall be taken off to form a new county, or a part thereof, without the consent of two-thirds of the qualified voters in such part taken off; and where an old county is reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall the seat of justice of any county be removed without the concurrence of two-thirds of the qualified voters of the county. But the foregoing provisions, requiring a two-thirds majority of the voters of a county to remove its county seat, shall not apply to the counties of Obion and Cocke.

The fractions taken from old counties to form new counties, or taken from one county and added to another, shall continue liable for their pro rata of all debts contracted by their respective counties prior to the separation, and be entitled to their proportion of any stock or credits belonging to such old counties.

Sec. 5. The citizens who may be included in any new county shall vote with the county or counties from which they may have been stricken off, for members of Congress, for Governor, and for members of the General Assembly, until the next apportionment of members to the General Assembly after the establishment of such new county.

ARTICLE XI.

MISCELLANEOUS AND PROVISIONS.

Section 1. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use until they shall expire, or be altered or repealed by the Legislature; but ordinances contained in any former Constitution or schedule thereto are hereby abrogated.

Sec. 2. Nothing contained in this Constitution shall impair the validity

of any debts or contracts, or affect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

SEC. 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published six months previous to the time of making such choice, and if in the General Assembly then next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such time as the General Assembly shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of all the citizens of the State voting for Representatives, voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of said sessions, be read three times on three several days in each house. The Legislature shall not propose amendments to the Constitution oftener than once in six years. The Legislature shall have the right, at any time, by law to submit to the people the question of calling a convention to alter, reform, or abolish this Constitution; and when, upon such submission, a majority of all the votes cast shall be in favor of said proposition, then delegates shall be chosen, and the convention shall assemble in such mode and manner as shall be prescribed.

SEC. 4. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; but such laws shall be general and uniform in their operation throughout the State.

SEC. 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

SEC. 6. The Legislature shall have no power to change the names of persons, or to pass acts adopting or legitimatizing [legitimating or legitimizing] persons; but shall, by general laws, confer this power on the courts.

SEC. 7. The Legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State; but the Legislature may provide for a conventional rate of interest, not to exceed ten per centum per annum.

SEC. 8. The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefit of individuals, inconsistent with the general law of the land; nor to pass any law granting to any individual or individuals rights, privileges, immunities [immunities] or exemptions other than such as may be, by the same law, extended to any member of the community who may be able to bring himself within the provisions of such law. No corporation shall be created, or its powers increased or diminished, by special laws; but the General Assembly shall provide by general laws, for the organization of all corporations hereafter created, which laws may, at any time, be altered or repealed; and no such alteration or repeal shall interfere with or divest rights which have become vested.

SEC. 9. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be expedient.

SEC. 10. A well-regulated system of internal improvement is calculated to develop the resources of the State, and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly.

SEC. 11. A homestead, in the possession of each head of a family, and the improvement thereon, to the value, in all, of one thousand dollars, shall

be exempt from sale under legal process during the life of such head of a family, to inure to the benefit of the widow, and shall be exempt during the minority of their children occupying the same. Nor shall said property be alienated without the joint consent of husband and wife, when that relation exists. This exemption shall not operate against public taxes, nor debts contracted for the purchase money of such homestead, or improvements thereon.

SEC. 12. Knowledge, learning and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end, it shall be the duty of the General Assembly in all future periods of this government to cherish literature and science and the funds called the common school fund, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated, by the General Assembly of this State, for the use of common schools and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriations; and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund or any part thereof to be diverted to any other use than the support and encouragement of common schools. The State taxes derived hereafter from polls shall be appropriated to educational purposes, in such manner as the General Assembly shall, from time to time, direct by law. No school established or aided under this section shall allow white and negro children to be received as scholars together in the same school. The above provisions shall not prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities, or academies, or from authorizing heirs or distributees to receive and enjoy escheated property under such laws as shall be passed from time to time.

SEC. 13. The General Assembly shall have power to enact laws for the protection and preservation of game and fish within the State, and such laws may be enacted for and applied and enforced in particular counties or geographical districts designated by the General Assembly.

SEC. 14. The intermarriage of white persons with negroes, mulattoes, or persons of mixed blood, descended from a negro to the third generation, inclusive, or their living together as man and wife, in this State, is prohibited. The Legislature shall enforce this section by appropriate legislation.

SEC. 15. No person shall, in time of peace, be required to perform any service to the public on any day set apart by his religion as a day of rest.

SEC. 16. The declaration of rights, hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretense whatever. And to guard against transgression of the high powers we have delegated, we declare that everything in the Bill of Rights contained is excepted out of the general powers of the government, and shall forever remain inviolate.

SEC. 17. No county office created by the Legislature shall be filled otherwise than by the people or the County Court.

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the Constitution, it is declared that the Governor of the State, the members of the General Assembly, and all officers elected at or after the general election of March, one thousand eight hundred and seventy, shall hold their offices for the terms prescribed in this Constitution.

Officers appointed by the courts shall be filled by appointment, to be made and to take effect during the first term of the court held by judges elected under this Constitution.

All other officers shall vacate their places thirty days after the day fixed for the election of their successors under this Constitution.

The Secretary of State, Comptroller, and Treasurer shall hold their offices until the first session of the present General Assembly occurring after the ratification of this Constitution, and until their successors are elected and qualified.

The officers then elected shall hold their offices until the fifteenth day of January, one thousand eight hundred and seventy-three.

SEC. 2. At the first election of judges under this Constitution, there shall be elected six judges of the Supreme Court, two from each grand division of the State, who shall hold their offices for the term herein prescribed.

In the event any vacancy shall occur in the office of either of said judges at any time after the first day of January, one thousand eight hundred and seventy-three, it shall remain unfilled, and the court shall from time to time be constituted of five judges.

While the court may consist of six judges, they may sit in two sections, and may hear and determine causes in each at the same time, but not in different grand divisions at the same time.

When so sitting, the concurrence of two judges shall be necessary to a decision.

The Attorney-General and Reporter for the State shall be appointed after the election and qualification of the judges of the Supreme Court herein provided for.

SEC. 3. Every judge and every officer of the executive department of this State, and every sheriff holding over under this Constitution, shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same; and the failure of any officer to take such oath shall vacate his office.

SEC. 4. The time which has elapsed since the sixth day of May, one thousand eight hundred and sixty-one, until the first day of January, one thousand eight hundred and sixty-seven, shall not be computed in any cases affected by the statutes of limitation, nor shall any writ of error be affected by such lapse of time.

Done in convention, at Nashville, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy, and of the independence of the United States the ninety-fourth. In testimony whereof, we have hereunto set our names.

JOHN C. BROWN, *President.*

Attest:
T. E. S. RUSSWURM, *Secretary.*
THOS. W. JONES, *Assistant Secretary.*
W. S. KYLE, *Second Assistant Secretary.*

ORDINANCES.

SECTION 1. That it shall be the duty of the several officers of the State, authorized by law to hold elections for members of the General Assembly and other officers to open and hold an election at the place of holding said elections in their respective counties, on the fourth Saturday in March, 1870, for the purpose of receiving the votes of such qualified voters as may desire to vote for the ratification or rejection of the Constitution recommended by this convention. And the qualification of votes in said election be the same as that required in the election of delegates to this convention.

SEC. 2. It shall be the duty of said returning officers, in each county, in this State, to enroll the name of each voter on the poll books prepared for said election, and shall deposit each ballot in the ballot boxes respectively. Each voter who wishes to ratify the new Constitution shall have written or printed on his ticket the words "New Constitution," or words of like import; and each voter who wishes to vote against the ratification of the new Constitution shall have written or printed on his ticket the words "Old Constitution," or words of like import.

SEC. 3. The election shall be held, and the judges and clerks shall be

appointed, as in the case of the election of the members of the General Assembly; and the returning officers, in presence of the judges or inspectors, shall count the votes given for the "New Constitution," and of those given for the "Old Constitution," of which they shall keep a correct estimate in said poll books. They shall deposit the original poll books of said election with the clerks of the County Courts in the respective counties, and shall, within five days after the election, make out accurate statements of the number of votes, in their respective counties, for or against the "New Constitution," and immediately forward by mail, one copy of said certificates to the Governor, and one to the Speaker of the Senate. So soon as the poll books are deposited with the County Court clerks, they shall certify to the president of the convention an accurate statement of the number of votes cast for or against the "New Constitution," as appears on said poll books; and if any of said returning officers shall fail to make the returns herein provided for within the time required, the Governor shall be authorized to send special messengers for the result of the vote in those counties whose officers have so failed to make returns.

SEC. 4. Upon the receipt of said returns, it shall be the duty of the Governor, Speaker of the Senate, and the president of this convention, or any two of them, to compare the votes cast in said election; and if it shall appear that a majority of all the votes cast for and against the "New Constitution" were for "New Constitution," it shall be the duty of the Governor, Speaker of the Senate, and president of this convention, or any two of them, to append to this Constitution a certificate of the result of the votes, from which time the Constitution shall be established as the Constitution of Tennessee, and the Governor shall make proclamation of the result.

SEC. 5. The Governor of the State is required to issue his proclamation as to the election on the fourth Saturday in March, 1870, hereto provided for.

JOHN C. BROWN, *President.*

Attest:

[L. S.] T. E. S. RUSSWURM, *Secretary.*

CONSTITUTION OF TEXAS—1876*

PREAMBLE.

Humbly invoking the blessings of Almighty God, the people of the state of Texas do ordain and establish this constitution.

ARTICLE I.

BILL OF RIGHTS.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

SECTION 1. Texas is a free and independent state, subject only to the constitution of the United States; and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the states.

SEC. 2. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

SEC. 3. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

SEC. 4. No religious test shall ever be required as a qualification to any office, or public trust, in this state; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

SEC. 5. No person shall be disqualified to give evidence in any of the courts of this state on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

SEC. 6. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

SEC. 7. No money shall be appropriated or drawn from the treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purposes.

SEC. 8. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SEC. 9. The people shall be secure in their persons, houses, papers and pos-

*The constitution of Texas was drafted by a convention which assembled at Austin on September 6, 1875, and adjourned on November 24, 1875. It was submitted to the people on February 17, 1876, and was ratified by a large majority. The constitution was submitted as a whole and no proposition was submitted separately.

sessions, from all unreasonable seizures or searches; and no warrant to search any place, or seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 10. In all criminal prosecutions, the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself or counsel or both, shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor. And no person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

SEC. 11. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found, upon examination of the evidence, in such manner as may be prescribed by law.

SEC. 12. The writ of habeas corpus is a writ of right, and shall never be suspended. The legislature shall enact laws to render the remedy speedy and effectual.

SEC. 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open; and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 14. No person, for the same offense, shall be twice put in jeopardy of life or liberty; nor shall a person be again put upon trial for the same offense, after a verdict of not guilty in a court of competent jurisdiction.

SEC. 15. The right of trial by jury shall remain inviolate. The legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency.

SEC. 16. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

SEC. 17. No person's property shall be taken, damaged or destroyed for, or applied to, public use without adequate compensation being made, unless by the consent of such person; and when taken, except for the use of the state, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the legislature, or created under its authority, shall be subject to the control thereof.

SEC. 18. No person shall ever be imprisoned for debt.

SEC. 19. No citizen of this state shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

SEC. 20. No citizen shall be outlawed; nor shall any person be transported out of the state for any offense committed within the same.

SEC. 21. No conviction shall work corruption of blood, or forfeiture of estate; and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

SEC. 22. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 23. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the state; but the legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

SEC. 24. The military shall at all times be subordinate to the civil authority.

SEC. 25. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

SEC. 26. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this state.

SEC. 27. The citizens shall have the right, in a peaceable manner, to assemble together for their common good, and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

SEC. 28. No power of suspending laws in this state shall be exercised except by the legislature.

SEC. 29. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void:

ARTICLE II.

THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the state of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this state shall be vested in a senate and house of representatives, which together shall be styled, "The Legislature of the State of Texas."

SEC. 2. The senate shall consist of thirty-one members, and shall never be increased above this number. The house of representatives shall consist of ninety-three members until the first apportionment after the adoption of this constitution, when, or at any apportionment thereafter, the number of representatives may be increased by the legislature, upon the ratio of not more than one representative for every fifteen thousand inhabitants; provided, the number of representatives shall never exceed one hundred and fifty.

SEC. 3. The senators shall be chosen by the qualified electors for the term of four years; but a new senate shall be chosen after every apportionment, and the senators elected after each apportionment shall be divided by lot into two classes. The seats of the senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one-half of the senators shall be chosen biennially thereafter.

SEC. 4. The members of the house of representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of their election.

SEC. 5. The legislature shall meet every two years, at such time as may be provided by law, and at other times when convened by the governor.

SEC. 6. No person shall be a senator, unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this state, and shall have been a resident of this state five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

SEC. 7. No person shall be a representative, unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this state, and shall have been a resident of this state two years next preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

SEC. 8. Each house shall be the judge of the qualifications and elections of its own members; but contested elections shall be determined in such manner as shall be provided by law.

SEC. 9. The senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the lieutenant-governor in any case of absence or disability of that officer, and whenever the said office of lieutenant-governor shall be vacant. The house of representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a speaker from its own members; and each house shall choose its other officers.

SEC. 10. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 11. Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two-thirds, expel a member, but not a second time for the same offense.

SEC. 12. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journals.

SEC. 13. When vacancies occur in either house, the governor, or the person exercising the power of the governor, shall issue writs of election to fill such vacancies; and should the governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened, shall be authorized to order an election for that purpose.

SEC. 14. Senators and representatives shall, except in cases of treason felony or breach of the peace, be privileged from arrest during the session of the legislature, and in going to or returning from the same, allowing one day for every twenty miles such member may reside from the place at which the legislature is convened.

SEC. 15. Each house may punish, by imprisonment, during its sessions, any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 16. The sessions of each house shall be open, except the senate when in executive session.

SEC. 17. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the legislature may be sitting.

SEC. 18. No senator or representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this state, which shall have been created, or the emoluments of which may have been increased during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole or in part, by either branch of the legislature; and no member of either house shall vote for any other member for any office whatever, which may be filled by a vote of the legislature, except in such cases as are in this constitution provided. Nor shall any member of the legislature be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

SEC. 19. No judge of any court, secretary of state, attorney general, clerk of any court of record, or any person holding a lucrative office under the United States, or this state, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the legislature.

SEC. 20. No person who at any time may have been a collector of taxes, or who may have been otherwise intrusted with public money, shall be eligible to the legislature, or to any office of profit or trust under the state government,

until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been intrusted.

SEC. 21. No member shall be questioned in any other place for words spoken in debate in either house.

SEC. 22. A member who has a personal or private interest in any measure or bill, proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 23. If any senator or representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in section 13 of this article.

SEC. 24. The members of the legislature shall receive from the public treasury such compensation for their services as may, from time to time, be provided by law, not exceeding five dollars per day for the first sixty days of each session, and after that not exceeding two dollars per day for the remainder of the session, except the first session held under this constitution, when they may receive not exceeding five dollars per day for the first ninety days, and after that not exceeding two dollars per day for the remainder of the session. In addition to the per diem, the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed five dollars for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel by land, regardless of railways or water routes; and the comptroller of the state shall prepare and preserve a table of distances to each county seat, now or hereafter to be established, and by such table the mileage of each member shall be paid; but no member shall be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

SEC. 25. The state shall be divided into senatorial districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one senator; and no single county shall be entitled to more than one senator.

SEC. 26. The members of the house of representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the state, as ascertained by the most recent United States census, by the number of members of which the house is composed; provided, that whenever a single county has sufficient population to be entitled to a representative, such county shall be formed into a separate representative district; and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

SEC. 27. Elections for senators and representatives shall be general throughout the state, and shall be regulated by law.

SEC. 28. The legislature shall, at its first session after the publication of each United States decennial census, apportion the state into senatorial and representative districts, agreeably to the provisions of sections 25 and 26 of this article; and until the next decennial census, when the first apportionment shall be made by the legislature, the state shall be and it is hereby divided into senatorial and representative districts as provided by an ordinance of the convention on that subject.

PROCEEDINGS.

SEC. 29. The enacting clause of all laws shall be: "Be it enacted by the legislature of the state of Texas."

SEC. 30. No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

SEC. 31. Bills may originate in either house, and, when passed by such house, may be amended, altered or rejected by the other.

SEC. 32. No bill shall have the force of a law until it has been read on

three several days in each house, and free discussion allowed thereon; but in case of imperative public necessity (which necessity shall be stated in a preamble, or in the body of the bill), four-fifths of the house, in which the bill may be pending, may suspend this rule, the yeas and nays being taken on the question of suspension, and entered upon the journal.

SEC. 33. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as other bills.

SEC. 34. After a bill has been considered and defeated by either house of the legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

SEC. 35. No bill (except general appropriation bills, which may embrace the various subjects and accounts, for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 36. No law shall be revived or amended by reference to its title; but in such case the act revived, or the section or sections amended, shall be re-enacted and published at length.

SEC. 37. No bill shall be considered, unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the legislature.

SEC. 38. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read before signing; and the fact of signing shall be entered on the journals.

SEC. 39. No law passed by the legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

SEC. 40. When the legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the governor calling such session, or presented to them by the governor; and no such session shall be of longer duration than thirty days.

SEC. 41. In all elections by the senate and house of representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

REQUIREMENTS AND LIMITATIONS.

SEC. 42. The legislature shall pass such laws as may be necessary to carry into effect the provisions of this constitution.

SEC. 43. The first session of the legislature under this constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter; provided, that in the adoption of and giving effect to any such digest or revision, the legislature shall not be limited by sections 35 and 36 of this article.

SEC. 44. The legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into for the performance of the same, nor grant by appropriation or otherwise, any amount of money out of the treasury of the state, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law, nor employ any one in the name of the state, unless authorized by pre-existing law.

SEC. 45. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the legislature shall pass laws for that purpose.

SEC. 46. The legislature shall, at its first session after the adoption of this constitution, enact effective vagrant laws.

SEC. 47. The legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this state, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other states.

SEC. 48. The legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the state;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the state, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the state; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employees of the state government, and all incidental expenses connected therewith;

The support of the blind asylum, the deaf and dumb asylum and the insane asylum, the state cemetery and the public grounds of the state;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the state, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the state in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed, in the aggregate at any one time, two hundred thousand dollars.

SEC. 50. The legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the state in aid of, or to, any person, association or corporation, whether municipal or other; or to pledge the credit of the state, in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

SEC. 51. The legislature shall have no power to make any grant or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporation whatsoever; provided, however, the legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1900, and their widows in indigent circumstances, and who have been bona fide residents of the State of Texas since January 1, 1900, and who were married to such soldiers and sailors anterior to January 1, 1900; to indigent and disabled soldiers, who under special laws of the State of Texas, during the war between the states served for a period of at least six months in organizations for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia of the State of Texas, who were in active service for a period of at least six months during the war between the states, to the widows of such soldiers who are in indigent circumstances, and who were married to such soldiers prior to January 1, 1900, provided that the word "widow" in the preceding lines of this section shall not apply to women born since 1861, and also to grant aid for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows, and women who aided in the Confederacy under such regulations and limitations as may be provided for by law; provided, the legislature may provide for husband and wife to remain together in the home.

The legislature shall have the power to levy and collect, in addition to all other taxes heretofore permitted by the constitution of Texas, a state ad valorem tax on property not exceeding five cents on the one hundred dollars valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate Army and navy, frontier organizations and the militia of the state of Texas, and for the widows of such soldiers serving in said armies, navies, organizations, or militia.[1]

SEC. 52. The legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the state, to lend its credit or to grant public money or thing of value in aid of, or to, any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company; provided, however, that under legislative provision any county, any political subdivision of a county, any number of adjoining counties, or any political subdivision of the state, or any defined district now or hereafter to be described and defined within the state of Texas, and

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[1] Section 51 has been amended five times; the first amendment was proposed by the legislature of 1893, ratified on November 6, 1894, and proclaimed adopted on December 21, 1894; the second amendment was proposed by the legislature of 1897, ratified on November 1, 1898, and proclaimed adopted on December 22, 1898; the third amendment was proposed by the legislature of 1903, ratified on November 8, 1904, and proclaimed adopted on December 29, 1904; the fourth amendment was proposed by the legislature of 1909, and ratified on November 8, 1910; the present amendment was proposed by the legislature of 1911, ratified on November 5, 1912, and proclaimed adopted on December 30, 1912. The text of the amendment of 1894 is as follows:

Sec. 51. The legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporation whatsoever; provided, however, the legislature may grant aid to the establishment and maintenance of a home for indigent and disabled Confederate soldiers or sailors who are or may be bona-fide residents of the state of Texas, under such regulations and limitations as may be provided by law; provided, that such grant shall not exceed the sum of one hundred thousand dollars for any one year; and provided, further, that the provisions of this section shall not be construed so as to prevent the grant of aid in case of public calamity.

The text of the amendment of 1898 is as follows:

Sec. 51. The legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1880, and who are either over sixty years of age, or whose disability is the proximate result of actual service in the Confederate army for a period of at least three months, their widows in indigent circumstances who have never remarried, and who have been bona-fide residents of the state of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1866; provided, said aid shall not exceed eight dollars per month; and provided, further, that no appropriation shall ever be made for the purpose hereinbefore specified, in excess of two hundred and fifty thousand dollars for any one year. And also grant aid to the establishment and maintenance of a home for said soldiers and sailors, under such regulations and limitations as may be provided by law; provided, the grant to aid said home shall not exceed one hundred thousand dollars for any one year; and no inmate of said home shall be entitled to any other aid from the state; and provided, further, that the provisions of this section shall not be construed to prevent the grant of aid in case of public calamity.

The text of the amendment of 1910 is as follows:

Sec. 51. The legislature shall have no power to make any grant, or authorize the making of any grant, of public money to any individual, associations of individuals, municipal or other corporations whatsoever; provided, however, the legislature may grant aid to indigent and disabled Confederate soldiers and sailors who came to Texas prior to January 1, 1880, and who are either over sixty years of age or whose disability is the proximate result of actual service in the Confederate army for a period of at least three months, their widows in indigent circumstances who have never remarried and who have been bona-fide residents of the state of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1880; provided, said aid shall not exceed eight dollars per month; and provided, further, that no appropriations shall ever be made for the purpose hereinbefore specified in excess of five hundred thousand dollars for any one year. And also grant aid to the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy, under such regulations and limitations as may be provided by law; provided, the grant to aid said home shall not exceed one hundred and fifty thousand dollars for any one year; and no inmate of said homes shall be entitled to any other aid from the state; the legislature may provide for husband and wife to remain together in the home; and provided, further, that the provisions of this section shall not be construed to prevent the grant of aid in case of public calamity.

which may or may not include towns, villages or municipal corporations, upon a vote of a two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this constitution, and levy and collect such taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the legislature may authorize, and in such manner as it may authorize the same, for the following purposes, to-wit:

(a) The improvement of rivers, creeks and streams to prevent overflows, and to permit of navigation thereof, or irrigation thereof, or in aid of such purposes.

(b) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purpose of irrigation, drainage or navigation, or in aid thereof.

(c) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes, or in aid thereof.[2]

SEC. 53. The legislature shall have no power to grant, or to authorize any county or municipal authority to grant, any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into, and performed in whole or in part; nor pay, nor authorize the payment of, any claim created against any county or municipality of the state, under any agreement or contract, made without authority of law.

SEC. 54. The legislature shall have no power to release or alienate any lien held by the state upon any railroad, or in anywise change the tenor or meaning, or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

SEC. 55. The legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any incorporation or individual, to this state, or to any county or other municipal corporation therein.

SEC. 56. The legislature shall not, except as otherwise provided in this constitution, pass any local or special law, authorizing:

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons or places;

Changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other state;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards, or public grounds not of the state;

Authorizing the adoption or legitimation of children;

Locating or changing county seat;

Incorporating cities, towns or villages, or changing their charters;

For the opening and conducting of elections, or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers, in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceedings or inquiry before courts, justices of the peace,

[2] Amendment proposed by the legislature of 1903, ratified on November 8, 1904, and proclaimed adopted on December 29, 1904.

sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate;

Regulating the fees, or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of school houses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors, or persons under disability;

Remitting fines, penalties and forfeitures, and refunding money legally paid into the treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties, or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable, no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the legislature from passing special laws for the preservation of the game and fish of this state in certain localities.

SEC. 57. No local or special law shall be passed, unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the legislature before such act shall be passed.

SEC. 58. The legislature shall hold its sessions at the city of Austin, which is hereby declared to be the seat of government.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive department of the state shall consist of a governor, who shall be the chief executive officer of the state, a lieutenant-governor, secretary of state, comptroller of public accounts, treasurer, commissioner of the general land office, and attorney general.

SEC. 2. All the above officers of the executive department, except secretary of state, shall be elected by the qualified voters of the state at the time and place of election for members of the legislature.

SEC. 3. The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the seat of government, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives, as soon as the speaker shall be chosen; and the said speaker shall, during the first week of the session of the legislature, open and publish them in the presence of both houses of the legislature. The person voted for at said election, having the highest number of votes for each of said offices respectively, and being constitutionally eligible, shall be declared by the speaker, under sanction of the legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen for such office by joint vote of both houses of the legislature. Contested elections for either of said offices shall be determined by both houses of the legislature in joint session.

SEC. 4. The governor shall be installed on the first Tuesday after the organization of the legislature, or as soon thereafter as practicable, and shall

hold his office for the term of two years, or until his successor shall be dul installed. He shall be at least thirty years of age, a citizen of the Unite States, and shall have resided in this state at least five years immediatel preceding his election.

SEC. 5. He shall, at stated times, receive as compensation for his service an annual salary of four thousand dollars, and no more, and shall have th use and occupation of the governor's mansion, fixtures and furniture.

SEC. 6. During the time he holds the office of governor, he shall not hol any other office, civil, military or corporate; nor shall he practice any professio and receive compensation, reward, fee, or the promise thereof, for the same nor receive any salary, reward or compensation, or the promise thereof, fro any person or corporation, for any service rendered or performed during th time he is governor, or to be thereafter rendered or performed.

SEC. 7. He shall be commander-in-chief of the military forces of the stat except when they are called into actual service of the United States. He sha have power to call forth the militia to execute the laws of the state, to suppres insurrection, repel invasion, and protect the frontier from hostile incursion by Indians or other predatory bands.

SEC. 8. The governor may, on extraordinary occasion, convene the legi lature at the seat of government, or at a different place, in case that should b in possession of the public enemy, or in case of the prevalence of disease therea His proclamation therefor shall state specifically the purpose for which the le islature is convened.

SEC. 9. The governor shall, at the commencement of each session of th legislature, and at the close of his term of office, give the legislature inform tion, by message, of the condition of the state; and he shall recommend to th legislature such measures as he may deem expedient. He shall account to th legislature for all public moneys received and paid out by him, from any fun subject to his order, with vouchers, and shall accompany his message with statement of the same. And at the commencement of each regular session, h shall present estimates of the amount of money required to be raised by taxatio for all purposes.

SEC. 10. He shall cause the laws to be faithfully executed, and shall co duct, in person, or in such manner as shall be prescribed by law, all intercour and business of the state with other states and with the United States.

SEC. 11. In all criminal cases, except treason and impeachment, he sha have power, after conviction, to grant reprieves commutations of punishme and pardons; and, under such rules as the legislature may prescribe, he sha have power to remit fines and forfeitures. With the advice and consent of t senate, he may grant pardons in cases of treason; and to this end he m respite a sentence therefor, until the close of the succeeding session of the leg lature; provided, that in all cases of remission of fines and forfeitures, or gra of reprieve, commutation of punishment or pardon, he shall file in the office the secretary of state his reasons therefor.

SEC. 12. All vacancies in state or district offices, except members of legislature, shall be filled, unless otherwise provided by law, by appointment the governor, which appointment, if made during its session, shall be with advice and consent of two-thirds of the senate present. If made during recess of the senate, the said appointee, or some other person to fill such vacan shall be nominated to the senate during the first ten days of its session. rejected, said office shall immediately become vacant, and the governor sh without delay, make further nominations, until a confirmation takes place. should there be no confirmation during the session of the senate, the gover shall not thereafter appoint any person to fill such vacancy who has b rejected by the senate; but may appoint some other person to fill the vaca until the next session of the senate, or until the regular election to said of should it sooner occur. Appointments to vacancies in offices elective by the pe shall only continue until the first general election thereafter.

SEC. 13. During the session of the legislature, the governor shall re where its sessions are held, and all other times, at the seat of governm

except when, by act of the legislature, he may be required or authorized to reside elsewhere.

SEC. 14. Every bill which shall have passed both houses of the legislature shall be presented to the governor for his approval. If he approves, he shall sign it; but if he disapproves it, he shall return it, with his objections, to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislature, by its adjournment prevent its return; in which case it shall be a law, unless he shall file the same, with his objections, in the office of the secretary of state, and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the governor contains several items of appropriation, he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects; and no item so objected to shall take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be a part of the law, notwithstanding the objections of the governor. If any such bill, containing several items of appropriation, not having been presented to the governor ten days (Sundays excepted) prior to adjournment, be in the hands of the governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof, and make proclamation of the same, and such item or items shall not take effect.

SEC. 15. Every order, resolution or vote, to which the concurrence of both houses of the legislature may be necessary, except on questions of adjournment, shall be presented to the governor, and, before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both houses; and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

SEC. 16. There shall also be a lieutenant-governor, who shall be chosen at every election for governor, by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as governor and for whom as lieutenant-governor. The lieutenant-governor shall, by virtue of his office, be president of the senate, and shall have, when in committee of the whole, a right to debate and vote on all questions; and, when the senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the governor to serve, or of his impeachment or absence from the state, the lieutenant-governor shall exercise the powers and authority appertaining to the office of governor until another be chosen at the periodical election, and be duly qualified, or until the governor, impeached, absent or disabled, shall be acquitted, return, or his disability be removed.

SEC. 17. If, during the vacancy in the office of governor, the lieutenant-governor should die, resign, refuse to serve, or be removed from office, or be unable to serve, or if he shall be impeached or absent from the state, the president of the senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a governor or lieutenant-governor. The lieutenant-governor shall, while he acts as president of the senate, receive for his services the same compensation and mileage which shall be allowed to the members of the senate, and no more; and during the time he administers the

government, as governor, he shall receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office, and no more. The president, for the time being, of the senate, shall, during the time he administers the government, receive in like manner the same compensation which the governor would have received had he been employed in the duties of his office.

SEC. 18. The lieutenant-governor or the president of the senate succeeding to the office of governor, shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this constitution on the governor.

SEC. 19. There shall be a seal of the state, which shall be kept by the secretary of state, and used by him officially under the direction of the governor. The seal of the state shall be a star of five points, encircled by olive and live oak branches, and the words, "The State of Texas."

SEC. 20. All commissions shall be in the name and by the authority of the state of Texas, sealed with the state seal, signed by the governor, and attested by the secretary of state.

SEC. 21. There shall be a secretary of state, who shall be appointed by the governor, by and with the advice and consent of the senate, and who shall continue in office during the term of service of the governor. He shall authenticate the publication of the laws, and keep a fair register of all official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the legislature, or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary of two thousand dollars, and no more.

SEC. 22. The attorney general shall hold his office for two years and until his successor is duly qualified. He shall represent the state in all suits and pleas in the supreme court of the state in which the state may be a party, and shall especially inquire into the charter rights of all private corporations, and, from time to time, in the name of the state, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power, or demanding or collecting any species of taxes, toll, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the governor and other executive officers, when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary of two thousand dollars, and no more, besides such fees as may be prescribed by law provided, that the fees which he may receive shall not amount to more than two thousand dollars annually.

SEC. 23. The comptroller of public accounts, the treasurer, and the commissioner of the general land office, shall each hold office for the term of two years, and until his successor is qualified; receive an annual salary of two thousand five hundred dollars, and no more; reside at the capital of the state during his continuance in office; and perform such duties as are or may be required of him by law. They and the secretary of state shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the state treasury.

SEC. 24. An account shall be kept by the officers of the executive department, and by all officers and managers of state institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the governor under oath. The governor may, at any time, require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the governor under oath; and the governor may also

spect their books, accounts, vouchers and public funds; and any officer or anager who, at any time, shall wilfully make a false report or give false nformation, shall be guilty of perjury, and so adjudged, and punished accordngly, and removed from office.

SEC. 25. The legislature shall pass efficient laws facilitating the investiation of breaches of trust and duty by all custodians of public funds, and proiding for their suspension from office on reasonable cause shown, and for the ppointment of temporary incumbents of their offices during such suspension.

SEC. 26. The governor, by and with the advice and consent of two-thirds f the senate, shall appoint a convenient number of notaries public for each ounty, who shall perform such duties as now are or may be prescribed by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this state shall be vested in one supreme ourt, in courts of civil appeals, in a court of criminal appeals, in district ourts, in county courts, in commissioners' courts, in courts of justices of the eace, and in such other courts as may be provided by law. The criminal disrict court of Galveston and Harris counties shall continue with the district, urisdiction and organization now existing by law until otherwise provided by aw. The legislature may establish such other courts as it may deem necesary, and prescribe the jurisdiction and organization thereof, and may conform he jurisdiction of the district and other inferior courts thereto.[3]

SEC. 2. The supreme court shall consist of a chief justice and two assoiate justices, any two of whom shall constitute a quorum, and the concurrence f two judges shall be necessary to the decision of a case. No person shall be ligible to the office of chief justice or associate justice of the supreme court nless he be, at the time of his election, a citizen of the United States and of his state, and unless he shall have attained the age of thirty years, and shall ave been a practicing lawyer or a judge of a court, or such lawyer and judge gether, at least seven years. Said chief justice and associate justices shall e elected by the qualified voters of the state at a general election, shall hold eir offices six years, or until their successors are elected and qualified, and hall each receive an annual salary of four thousand dollars until otherwise rovided by law. In case of a vacancy in the office of chief justice of the upreme court, the governor shall fill the vacancy until the next general election or state officers; and at such general election the vacancy for the unexpired erm shall be filled by election by the qualified voters of the state. The judges f the supreme court who may be in office at the time this amendment takes ffect shall continue in office until the expiration of their term of office under he present constitution, and until their successors are elected and qualified.[3]

SEC. 3. The supreme court shall have appellate jurisdiction only, except s herein specified, which shall be co-extensive with the limits of the state. s appellate jurisdiction shall extend to questions of law arising in cases of hich the courts of civil appeals have appellate jurisdiction, under such reprictions and regulations as the legislature may prescribe. Until otherwise rovided by law, the appellate jurisdiction of the supreme court shall extend to uestions of law arising in the cases in the courts of civil appeals in which the udges of any court of civil appeals may disagree, or where the several courts f civil appeals may hold differently on the same question of law, or where a tatute of the state is held void. The supreme court and the justices thereof hall have power to issue writs of habeas corpus as may be prescribed by law; nd, under such regulations as may be prescribed by law, the said courts and he justices thereof may issue the writs of mandamus, procedendo, certiorari, nd such other writs as may be necessary to enforce its jurisdiction. The legisature may confer original jurisdiction on the supreme court to issue writs of o warranto and mandamus in such cases as may be specified, except as against

[3] Sections 1-8, inclusive, are amendments proposed by the legislature of 1891, ffited on August 11, 1891, and proclaimed adopted on September 22, 1891.

the governor of the state. The supreme court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The supreme court shall sit for the transaction of business from the first Monday in October of each year until the last Saturday of June in the next year, inclusive, at the capital of the state. The supreme court shall appoint a clerk, who shall give bond in such manner as is now, or may hereafter be, required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause, entered of record on the minutes of said court, who shall receive such compensation as the legislature may provide.[3]

SEC. 4. The court of criminal appeals shall consist of three judges, any two of whom shall constitute a quorum; and the concurrence of two judges shall be necessary to a decision of said court. Said judges shall have the same qualifications and receive the same salaries as the judges of the supreme court. They shall be elected by the qualified voters of the state at a general election, and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the court of criminal appeals, the governor shall fill such vacancy by appointment for the unexpired term. The judges of the court of appeals who may be in office at the time when this amendment takes effect shall continue in office until the expiration of their term of office under the present constitution and laws as judges of the court of criminal appeals.[3]

SEC. 5. The court of criminal appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law. The court of criminal appeals and the judges thereof shall have the power to issue the writ of habeas corpus, and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The court of criminal appeals shall have power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. The court of criminal appeals shall sit for the transaction of business from the first Monday in October to the last Saturday of June in each year, at the state capital and two other places (or the capital city) if the legislature shall hereafter so provide. The court of criminal appeals shall appoint a clerk for each place at which it may sit; and each clerk shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for four years, unless sooner removed by the court for good cause, entered of record on the minutes of said court.[3]

SEC. 6. The legislature shall, as soon as practicable after the adoption of this amendment, divide the state into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a court of civil appeals in each of said districts, which shall consist of a chief justice and two associate justices, who shall have the qualifications as herein prescribed for justices of the supreme court. Said courts of civil appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal of error. Each of said courts of civil appeals shall hold its sessions at a place in its district to be designated by the legislature, and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive for their services the sum of three thousand five hundred dollars per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each court of civil appeals shall appoint a clerk, in the same manner as the clerk of the supreme court, which clerk shall receive such compensation as may be fixed by law. Until the organization of the courts of civil appeals and criminal appeals, as herein provided for, the jurisdiction, power and organization and location of the supreme court, the court of appeals, and the commission of appeals

hall continue as they were before the adoption of this amendment. All civil uses which may be pending in the court of appeals, shall, as soon as practicable after the organization of the courts of civil appeals, be certified to, and he records thereof transmitted to the proper courts of civil appeals, to be ecided by said courts. At the first session of the supreme court, the court of criminal appeals, and such of the courts of civil appeals which may be hereafter created under this article, after the first election of the judges of such ourts under this amendment, the terms of office of the judges of each court hall be divided into three classes, and the justices thereof shall draw for the ifferent classes. Those who shall draw class No. 1 shall hold their offices two ears, those drawing class No. 2 shall hold their offices four years, and those ho may draw class No. 3 shall hold their offices for six years, from the date f their election, and until their successors are elected and qualified; and, thereafter, each of the said judges shall hold his office for six years, as provided in his constitution.[3]

SEC. 7. The state shall be divided into as many judicial districts as may ow or hereafter be provided by law, which may be increased or diminished y law. For each district there shall be elected by the qualified voters thereof, a general election, a judge, who shall be a citizen of the United States and this state, who shall have been a practicing lawyer of this state, or a judge a court in this state, for four years next preceding his election; who shall ave resided in the district in which he was elected for two years next preceding his election; who shall reside in his district during his term of office; who hall hold his office for the period of four years, and shall receive for his services an annual salary of two thousand five hundred dollars, until otherwise hanged by law. He shall hold the regular terms of his court at the county eat of each county in his district at least twice in each year, in such manner s may be prescribed by law. The legislature shall have power by general or pecial laws to authorize the holding of special terms of the court, or the holding of more than two terms in any county for the dispatch of business. The gislature shall also provide for the holding of district court when the judge hereof is absent, or is from any cause disabled or disqualified from presiding. he district judges who may be in office when this amendment takes effect shall old their offices until their respective terms shall expire under their present lection or appointment.[3]

SEC. 8. The district court shall have original jurisdiction in all criminal ases of the grade of felony; in all suits in behalf of the state to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment, when the roperty levied on shall be equal to or exceed in value five hundred dollars; all suits, complaints or pleas whatever, without regard to any distinction etween law and equity, when the matter in controversy shall be valued at or mount to five hundred dollars, exclusive of interest; of contested elections; nd said court, and the judges thereof, shall have power to issue writs of abeas corpus, mandamus, injunction, and certiorari, and all writs necessary enforce their jurisdiction. The district court shall have appellate jurisdiction and general control in probate matters over the county court established each county, for appointing guardians, granting letters testamentary and of dministration, probating wills, for settling the accounts of executors, administrators, and guardians, and for the transaction of all business appertaining estates; and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed law. The district court shall have appellate jurisdiction and general supersory control over the county commissioners' court, with such exceptions and nder such regulations as may be prescribed by law; and shall have general iginal jurisdiction over all causes of action whatever for which a remedy or risdiction is not provided by law or this constitution, and such other jurisction, original and appellate, as may be provided by law.[3]

SEC. 9. There shall be a clerk for the district court of each county, who shall be elected by the qualified voters for the state and county officers, and who shall hold his office for two years, subject to removal by information, or by indictment of a grand jury, and conviction by a petit jury. In case of vacancy, the judge of the district court shall have the power to appoint a clerk, who shall hold until the office can be filled by election.

SEC. 10. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case, unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the legislature.

SEC. 11. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the supreme court, the court of criminal appeals, the court of civil appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the governor of the state, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of such cause or causes. When a judge of the district court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law. And the district judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.[4]

SEC. 12. All judges of courts of this state, by virtue of their office, shall be conservators of the peace throughout the state. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by authority of the State of Texas, and shall conclude: "Against the peace and dignity of the state."[4]

SEC. 13. Grand and petit juries in the district courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury concurring may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

SEC. 14. The judicial districts in this state and the time of holding the courts therein are fixed by ordinance forming part of this constitution, until otherwise provided by law.

SEC. 15. There shall be established in each county in this state a county court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a county judge, who shall be well informed in the law of the state, shall be a conservator of the peace, and shall hold his office for two years, and until his successor shall be elected and qualified. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law.

SEC. 16. The county court shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the justice court as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed two hundred dollars; and they shall have e

[4] Sections 11 and 12 are amendments; they were proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed adopted on September 22, 1891.

clusive jurisdiction in all civil cases when the matter in controversy shall exceed in value two hundred dollars, and not exceed five hundred dollars, exclusive of interest; and concurrent jurisdiction with the district court when the matter in controversy shall exceed five hundred dollars, and not exceed one thousand dollars, exclusive of interest; but shall not have jurisdiction of suits for the recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which justices' courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed twenty dollars, exclusive of cost, under such regulations as may be prescribed by law. In all appeals from justices' courts there shall be a trial de novo in the county court; and appeals may be prosecuted from the final judgment rendered in such cases by the county court, as well as all cases, civil and criminal, of which the county court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the court of civil appeals, and in such criminal cases to the court of criminal appeals, with such exceptions and under such regulations as may be prescribed by law. The county court shall have the general jurisdiction of a probate court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors, as provided by law; and the county court, or judge thereof, shall have power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the county court, or any other court or tribunal inferior to said court. The county court shall not have criminal jurisdiction in any county where there is a criminal district court, unless expressly conferred by law; and, in such counties, appeals from justices' courts and other inferior courts and tribunals in criminal cases shall be to the criminal district court, under such regulations as may be prescribed by law; and in all such cases an appeal shall lie from such district court to the court of criminal appeals. When the judge of the county court is disqualified in any case pending in the county court, the parties interested may, by consent, appoint a proper person to try said case, or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.[5]

SEC. 17. The county court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law; and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the district courts shall inquire into misdemeanors; and all indictments therefor returned into the district court shall forthwith be certified to the county courts, or other inferior courts, having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the county court shall consist of six men; but no jury shall be impaneled to try any civil case, unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

SEC. 18. Each organized county in the state, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. The present county courts shall make the first division. Subsequent divisions shall be made by the commissioners' court, provided for by this constitution. In each such pre-

[5]Amendment proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed adopted on September 22, 1891.

cinct there shall be elected, at each biennial election, one justice of the peace and one constable, each of whom shall hold his office for two years and until his successor shall be elected and qualified; provided, that in any precinct in which there may be a city of eight thousand or more inhabitants, there shall be elected two justices of the peace. Each county shall in like manner be divided into four commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one county commissioner, who shall hold his office for two years and until his successor shall be elected and qualified. The county commissioners so chosen, with the county judge as presiding officer, shall compose the county commissioners' court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this constitution and the laws of the state, or as may be hereafter prescribed.

SEC. 19. Justices of the peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for two hundred dollars, and in civil matters of all cases where the amount in controversy is two hundred dollars or less, exclusive of interest, of which exclusive original jurisdiction is not given to the district or county courts; and such other jurisdiction, criminal and civil, as may be provided by law under such regulations as may be prescribed by law; and appeals to the county courts shall be allowed in all cases decided in justices' courts where the judgment is for more than twenty dollars, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the justices of the peace shall be ex officio notaries public; and they shall hold their courts at such times and places as may be provided by law.

SEC. 20. There shall be elected for each county, by the qualified voters, a county clerk, who shall hold his office for two years, who shall be clerk of the county and commissioners' courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the legislature, and a vacancy in whose office shall be filled by the commissioners' court, until the next general election for county and state officers; provided, that in counties having a population of less than eight thousand persons there may be an election of a single clerk, who shall perform the duties of district and county clerks.

SEC. 21. A county attorney, for counties in which there is not a resident criminal district attorney, shall be elected by the qualified voters of each county who shall be commissioned by the governor, and hold his office for the term of two years. In case of vacancy the commissioners' court of the county shall have power to appoint a county attorney until the next general election. The county attorneys shall represent the state in all cases in the district and inferior courts in their respective counties; but, if any county shall be included in a district in which there shall be a district attorney, the respective duties of district attorneys and county attorneys shall, in such counties, be regulated by the legislature. The legislature may provide for the election of district attorneys in such districts, as may be deemed necessary, and make provision for the compensation of district attorneys, and county attorneys; provided, district attorneys shall receive an annual salary of five hundred dollars, to be paid by the state, and such fees, commissions and perquisites as may be provided by law. County attorneys shall receive as compensation only such fees, commissions and perquisites as may be prescribed by law.

SEC. 22. The legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of county courts, and, in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change.

SEC. 23. There shall be elected by the qualified voters of each county a sheriff, who shall hold his office for the term of two years, whose duties, and perquisites, and fees of office, shall be prescribed by the legislature, and vacancies in whose office shall be filled by the commissioners' court, until the next general election for county or state officers.

SEC. 24. County judges, county attorneys, clerks of the district and county courts, justices of the peace, constables, and other county officers, may be removed by the judges of the district courts for incompetency, official miscon-

duct, habitual drunkenness, or other causes defined by law, upon the cause herefor being set forth in writing, and the finding of its truth by a jury.

SEC. 25. The supreme court shall have power to make and establish rules of procedure, not inconsistent with the laws of the state, for the government of said court and the other courts of this state, to expedite the dispatch of business therein.[6]

SEC. 26. The state shall have no right of appeal in criminal cases.

SEC. 27. The legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in district courts, over which jurisdiction is given by this constitution to the county courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

SEC. 28. Vacancies in the office of judges of the supreme court, the court of criminal appeals, the court of civil appeals, and district courts, shall be filled by the governor, until the next succeeding general election, and vacancies in the office of county judge and justices of the peace shall be filled by the commissioners' court, until the next general election for such offices.[7]

SEC. 29. The county court shall hold at least four terms for both civil and criminal business annually, as may be provided by the legislature, or by the commissioners' court of the county under authority of law, and such other terms each year as may be fixed by the commissioners' court; provided, the commissioners' court of any county having fixed the times and number of terms of the county court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the county court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.[8]

ARTICLE VI.

SUFFRAGE.

SECTION 1. The following classes of persons shall not be allowed to vote in this state, to-wit:

First. Persons under twenty-one years of age.

Second. Idiots and lunatics.

Third. All paupers supported by any county.

Fourth. All persons convicted of any felony, subject to such exceptions as the legislature may make.

Fifth. All soldiers, marines and seamen, employed in the service of the army or navy of the United States.

SEC. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this state one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth subject to none of the foregoing disqualifications, who, at least six months before any election at which he offers to vote, shall have declared his intention to become a citizen of the United States in accordance with the Federal naturalization laws, and shall have resided in this state one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified elector; and all electors shall vote in the election precinct of their residence; provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes; and provided,

[6] Amendment proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed adopted on September 22, 1891.

[7] Amendment proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed adopted on September 22, 1891.

[8] Section 29 is a new section; it was proposed by the legislature of 1883, ratified on August 14, 1883, and proclaimed adopted on September 25, 1883.

further, that any voter who is subject to pay a poll tax under the laws of th state of Texas shall have paid said tax before he offers to vote at any electio in this state and hold a receipt showing his poll tax paid before the first da of February next preceding such election. Or, if said voter shall have lost o misplaced said tax receipt, he shall be entitled to vote upon making affidav before any officer authorized to administer oaths that such tax receipt has bee lost. Such affidavit shall be made in writing and left with the judge of th election. And this provision of the Constitution shall be self-enacting witho the necessity of further legislation.[9]

SEC. 3. All qualified electors of the state, as herein described, who sha have resided for six months immediately preceding an election within the limit of any city or corporate town, shall have the right to vote for mayor and a other elective officers; but in all elections to determine expenditure of money o assumption of debt, only those shall be qualified to vote who pay taxes o property in said city or incorporated town; provided, that no poll tax for th payment of debts thus incurred shall be levied upon the persons debarred fro voting in relation thereto.

SEC. 4. In all elections by the people, the vote shall be by ballot, and th legislature shall provide for the numbering of tickets and make such other re ulations as may be necessary to detect and punish fraud and preserve the purit of the ballot-box; and the legislature may provide by law for the registratio of all voters in all cities containing a population of ten thousand inhabitan or more.[10]

SEC. 5. Voters shall, in all cases, except treason, felony or breach of th peace, be privileged from arrest during their attendance at elections, and i going to and returning therefrom.

ARTICLE VII.

EDUCATION.

THE PUBLIC FREE SCHOOLS.

SECTION 1. A general diffusion of knowledge being essential to the pre ervation of the liberties and rights of the people, it shall be the duty of th legislature of the state to establish and make suitable provision for the suppo and maintenance of an efficient system of public free schools.

SEC. 2. All funds, lands and other property heretofore set apart and appr priated for the support of public schools, all the alternate sections of lan reserved by the state out of grants heretofore made or that may hereafter b made to railroads, or other corporations, of any nature whatsoever, one-ha of the public domain of the state, and all sums of money that may come the state from the sale of any portion of the same, shall constitute a perpetu public school fund.

SEC. 3. One-fourth of the revenue derived from the state occupation tax and a poll tax of one dollar on every male inhabitant of this state, betwe the ages of twenty-one and sixty years, shall be set apart annually for t benefit of the public free schools; and, in addition thereto, there shall be levi and collected an annual ad valorem state tax of such an amount, not to e ceed twenty cents on the one hundred dollar valuation, as, with the availab school fund arising from all other sources, will be sufficient to maintain a support the public free schools of this state for a period of not less than s months in each year; and the legislature may also provide for the formati of school districts by general or special law, without the local notice requir in other cases of special legislation; and all such school districts, wheth created by general or special law, may embrace parts of two or more counti

[9] Section 2 has been amended twice; the first amendment was proposed by t legislature of 1895, ratified at the election of November 3, 1896, and proclaim adopted on December 18, 1896; the present amendment was proposed by the legis ture of 1901, ratified on November 4, 1902, and proclaimed adopted on Decemb 26, 1902.

[10] Amendment proposed by the legislature of 1891, ratified on August 11, 18 and proclaimed adopted on September 22, 1891.

And the legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts, and for the management and control of the public school or schools of such district, whether such districts are composed of territory wholly within a county or in parts of two or more counties. And the legislature may authorize an additional ad valorem tax to be levied and collected within all school districts, heretofore formed or hereafter formed, for the further maintenance of public free schools, and the erection and equipment of school buildings therein; provided, that a majority of the qualified property taxpaying voters of the district, voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year fifty cents on the one hundred dollar valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns, constituting separate and independent school districts.[11]

SEC. 3a. Every school district heretofore formed, whether formed under the general law or by special act, and whether the territory embraced within its boundaries lies wholly within a single county or partly in two or more counties, is hereby declared to be, and from its formation to have been, a valid and lawful district. All bonds heretofore issued by any such districts which have been approved by the attorney general and registered by the comptroller, are hereby declared to be, and at the time of their issuance to have been, issued in conformity with the constitution and laws of this state; and any and all such bonds are hereby in all things validated and declared to be valid and binding obligations upon the district or districts issuing the same. Each such district is hereby authorized to, and shall, annually levy and collect an ad valorem tax sufficient to pay the interest on all such bonds and to provide a sinking fund sufficient to redeem the same at maturity, not to exceed such a rate as may be provided by law under other provisions of this constitution. And all trustees, heretofore elected in districts made up from more than one county, are hereby declared to have been duly elected, and shall be and are hereby named as trustees of their respective districts, with power to levy the taxes herein authorized, until their successors shall be duly elected and qualified, as is, or may be, provided by law.[12]

SEC. 4. The lands herein set apart to the public free school fund shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the legislature shall not have power to grant any relief to purchasers thereof. The comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the board of education herein provided for, in the bonds of the United States, the state of Texas, or

[11] Section 3 has been amended three times; the first amendment was proposed by the legislature of 1883, ratified on August 14, 1883, and proclaimed adopted on September 25, 1883; the second amendment was proposed by the legislature of 1907, ratified on November 3, 1908, and proclaimed adopted on September 24, 1909; the present amendment was proposed by the legislature of 1909, ratified on August 3, 1909, and proclaimed adopted on September 24, 1909. The text of the amendment of 1908 is as follows:

SEC. 3. One-fourth of the revenue derived from the state occupation taxes, and a poll tax of one dollar on every male inhabitant of this state, between the ages of twenty-one and sixty years, shall be set apart annually for the benefit of the public free schools; and, in addition thereto, there shall be levied and collected an annual ad valorem state tax of such an amount, not to exceed twenty cents on the one hundred dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this state for a period of not less than six months in each year; and the legislature may also provide for the formation of school districts within all or any of the counties of this state, by general or special law, without the local notice required in other cases of special legislation, and may authorize an additional ad valorem tax to be levied and collected within such school districts for the further maintenance of public free schools, and the erection and equipment of school buildings therein; provided, that a majority of the qualified property taxpaying voters of the district voting at an election to be held for that purpose, shall vote such tax, not to exceed in any one year fifty cents on the one hundred dollars valuation of the property subject to taxation in such district, but the limitation upon the amount of district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts.

[12] Section 3a is a new section; it was proposed by the legislature of 1909, ratified on August 3, 1909, and proclaimed adopted on September 24, 1909.

counties in said state, or in such other securities, and under such restrictions as may be prescribed by law; and the state shall be responsible for all investments.[13]

SEC. 5. The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund; and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund, to which the legislature may add not exceeding one per cent annually of the total value of the permanent school fund; such value to be ascertained by the board of education until otherwise provided by law; and the available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same, or any part thereof, ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.[14]

SEC. 6. All lands heretofore or hereafter granted to the several counties of this state for educational purposes, are of right the property of said counties respectively, to which they were granted, and title thereto is vested in said counties; and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands, in whole or in part, in manner to be provided by the commissioners' court of the county. Actual settlers, residing on said lands, shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed one hundred and sixty acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the state of Texas, or counties in said state, or in such other securities and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon and other revenue, except the principal, shall be available fund.[15]

SEC. 7. Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

SEC. 8. The governor, comptroller and secretary of state shall constitute a board of education, who shall distribute said funds to the several counties and perform such other duties concerning public schools as may be prescribed by law.

ASYLUMS.

SEC. 9. All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been, or may hereafter be, made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the legislature may provide for the sale of the lands and the investment of the proceeds in manner as provided for the sale and investment of school lands in section 4 of this article.

UNIVERSITY.

SEC. 10. The legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this state, and styled, "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

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[13] Amendment proposed by the legislature of 1883, ratified on August 14, 1883, and proclaimed adopted on September 25, 1883.

[14] Amendment proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed adopted on September 22, 1891.

[15] Amendment proposed by the legislature of 1883, ratified on August 14, 1883, and proclaimed adopted on September 25, 1883.

SEC. 11. In order to enable the legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the state (together with such sum belonging to the fund, as may now be in the treasury), shall be invested in bonds of the state of Texas, if the same can be obtained; if not, then in United States bonds; and the interest accruing thereon shall be subject to appropriation by the legislature to accomplish the purpose declared in the foregoing section; provided, that the one-tenth of the alternate sections of the lands granted to railroads, reserved by the state, which were set apart and appropriated to the establishment of the University of Texas, by an act of the legislature of February 11, 1858, entitled, "An act to establish 'The University of Texas,'" shall not be included in, or constitute a part of, the permanent university fund.

SEC. 12. The land herein set apart to the university fund shall be sold under such regulations, at such times, and on such terms as may be provided by law; and the legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith. And the legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the state, to be located by a vote of the people; provided, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart, and appropriated, for the endowment, maintenance, and support of said university and its branches, one million acres of the unappropriated public domain of the state, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner, as is provided for the sale and investment of the permanent university fund, and the legislature shall not have power to grant any relief to the purchasers of said lands.

ARTICLE VIII.

TAXATION AND REVENUE.

SECTION 1. Taxation shall be equal and uniform. All property in this state, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this state. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that two hundred and fifty dollars worth of household and kitchen furniture, belonging to each family in this state, shall be exempt from taxation; and provided, further, that the occupation tax levied

by any county, city or town, for any year on persons or corporations pursuing any profession or business, shall not exceed one-half of the tax levied by the state for the same period on such profession or business.

SEC. 2. All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the legislature may, by general laws exempt from taxation public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools; also the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned shall be null and void.[16]

SEC. 3. Taxes shall be levied and collected by general laws and for public purposes only.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by act of the legislature, by any contract or grant to which the state shall be a party.

SEC. 5. All property of railroad companies, of whatever description, lying or being within the limits of any city or incorporated town within this state, shall bear its proportionate share of municipal taxation; and, if any such property shall not have been heretofore rendered, the authorities of the city or town, within which it lies, shall have power to require its rendition, and collect the usual municipal tax thereon, as on other property lying within said municipality.

SEC. 6. No money shall be drawn from the treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the first legislature to assemble under this constitution, which may make the necessary appropriations to carry on the government until the assemblage of the sixteenth legislature.

SEC. 7. The legislature shall not have power to borrow, or in any manner divert from its purpose, any special fund that may or ought to come into the treasury; and shall make it penal for any person or persons to borrow, withhold or in any manner to divert from its purpose, any special fund, or any part thereof.

SEC. 8. All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located; and the county tax paid upon it shall be apportioned by the comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

SEC. 9. The state tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed thirty-five cents on the one hundred dollars valuation; and no county, city or town shall levy more than twenty-five cents for city or county purposes, and not exceeding fifteen cents for roads and bridges, and not exceeding fifteen cents to pay jurors, on the one hundred dollars valuation, except for the payment of debts incurred prior to the adoption of the amendment September 25, 1883; and for the erection of public buildings, streets, sewers, water works and other permanent improvements, not to exceed twenty-

[16] Amendment proposed by the legislature of 1905, ratified on November 6, 1906, and proclaimed adopted on January 7, 1907.

ve cents on the one hundred dollars valuation, in any one year, and except s is in this constitution otherwise provided; and the legislature may also uthorize an additional annual ad valorem tax to be levied and collected for ne further maintenance of the public roads; provided, that a majority of the ualified property taxpaying voters of the county, voting at an election to be eld for that purpose, shall vote such tax, not to exceed fifteen cents on the ne hundred dollars valuation of the property subject to taxation in such county, nd the legislature may pass local laws for the maintenance of the public oads and highways, without the local notice required for special or local laws.[17]

SEC. 10. The legislature shall have no power to release the inhabitants of, r property in, any county, city or town, from the payment of taxes levied for tate or county purposes, unless in case of great public calamity in any such ounty, city or town, when such release may be made by a vote of two-thirds f each house of the legislature.

SEC. 11. All property, whether owned by persons or corporations, shall be ssessed for taxation, and the taxes paid in the county where situated, but the gislature may, by a two-thirds vote, authorize the payment of taxes of non-sidents of counties to be made at the office of the comptroller of public ccounts. And all lands and other property not rendered for taxation by the vner thereof shall be assessed at its fair value by the proper officer.

SEC. 12. All property subject to taxation in, and owned by residents of, norganized counties, shall be assessed and the taxes thereon paid in the coun-s to which such unorganized counties shall be attached for judicial purposes; d lands lying in and owned by non-residents of unorganized counties, and nds lying in the territory not laid off into counties, shall be assessed, and the xes thereon collected, at the office of the comptroller of the state.

SEC. 13. Provision shall be made by the first legislature for the speedy sale a sufficient portion of all lands and other property for the taxes due thereon, d every year thereafter for the sale of all lands and other property, upon hich the taxes have not been paid; and the deed of conveyance to the pur-aser for all lands and other property thus sold shall be held to vest a good d perfect title in the purchaser thereof, subject to be impeached only for tual fraud; provided, that the former owner shall, within two years from date purchaser's deed, have the right to redeem the land upon the payment of uble the amount of money paid for the land.

SEC. 14. There shall be elected by the qualified electors of each county, at e same time and under the same law regulating the election of state and unty officers, an assessor of taxes, who shall hold his office for two years and til his successor is elected and qualified.

SEC. 15. The annual assessment made upon landed property shall be a ecial lien thereon, and all property, both real and personal, belonging to any linquent taxpayer shall be liable to seizure and sale for the payment of all taxes and penalties due by such delinquent; and such property may be sold the payment of the taxes and penalties due by such delinquent, under such gulations as the legislature may provide.

SEC. 16. The sheriff of each county, in addition to his other duties, shall the collector of taxes therefor. But in counties having ten thousand inhab-ants, to be determined by the last preceding census of the United States, a llector of taxes shall be elected, to hold office for two years and until his suc-ssor shall be elected and qualified.

SEC. 17. The specification of the objects and subjects of taxation shall not prive the legislature of the power to require other subjects or objects to be ed, in such manner as may be consistent with the principles of taxation d in this constitution.

SEC. 18. The legislature shall provide for equalizing, as near as may be,

[17] Section 9 has been amended three times: the first amendment was proposed the legislature of 1883, ratified on August 14, 1883, and proclaimed adopted on tember 25, 1883; the second amendment was proposed by the legislature of 1889, fied on November 4, 1890, and proclaimed adopted on December 19, 1890; the rd amendment was proposed by the legislature of 1905, ratified on November 6, 06, and proclaimed adopted on January 7, 1907.

the valuation of all property subject to or rendered for taxation (the county commissioners' court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

SEC. 19. Farm products in the hands of the producer, and family supplies for home and farm use, are exempt from all taxation until otherwise directed by a two-thirds vote of all the members elect to both houses of the legislature.[18]

ARTICLE IX.

COUNTIES.

SECTION 1. The legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the state exterior to all counties now existing no new counties shall be created with a less area than nine hundred square miles, in a square form, unless prevented by pre-existing boundary lines. Should the state lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population, and attached, for judicial and land surveying purposes, to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than seven hundred square miles, nor shall any such county now existing be reduced to a less area than seven hundred square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than nine hundred, but of seven hundred or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than seven hundred square miles by a like two-thirds vote. When any part of a county is stricken off and attached to, or created into, another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

COUNTY SEATS.

SEC. 2. The legislature shall pass laws regulating the manner of removing county seats; but no county seat situated within five miles of the geographical center of the county shall be removed, except by a vote of two-thirds of all the electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from the geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the commissioner of the general land office.

ARTICLE X.

RAILROADS.

SECTION 1. Any railroad corporation or association, organized under the law for the purpose, shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right, with its road, to intersect, connect with or cross any other railroad; and shall not

[18] Section 19 is a new section; it was proposed by the legislature of 1879, ratified on the first Tuesday of September, 1879, and proclaimed adopted on October 14, 187

eive and transport each the other's passengers, tonnage and cars, loaded or npty, without delay or discrimination, under such regulations as shall be pre-ribed by law.

SEC. 2. Railroads heretofore constructed, or which may hereafter be con-tructed, in this state are hereby declared public highways, and railroad com-anies common carriers. The legislature shall pass laws to regulate railroad reight and passenger tariffs, to correct abuses, and prevent unjust discrimina-on and extortion in the rates of freight and passenger tariffs on the different ilroads in this state, and enforce the same by adequate penalties; and, to ne further accomplishment of these objects and purposes, may provide and stablish all requisite means and agencies invested with such powers as may deemed adequate and advisable.[19]

SEC. 3. Every railroad or other corporation, organized or doing business in his state under the laws or authority thereof, shall have and maintain a pub-c office for place in this state for the transaction of its business, where trans-ers of stock shall be made, and where shall be kept for inspection by the stock-olders of such corporations, books, in which shall be recorded the amount of pital stock subscribed, the names of the owners of the stock, the amounts wned by them respectively, the amount of stock paid, and by whom, the trans-r of said stock, with the date of the transfer, the amount of its assets and bilities, and the names and places of residence of its officers. The directors every railroad company shall hold one meeting annually in this state, public otice of which shall be given thirty days previously, and the president or perintendent shall report annually, under oath, to the comptroller or gov-nor, their acts and doings, which report shall include such matters relating railroads as may be prescribed by law. The legislature shall pass laws forcing by suitable penalties the provisions of this section.

SEC. 4. The rolling-stock and all other movable property belonging to y railroad company or corporation in this State shall be considered personal operty, and its real and personal property, or any part thereof, shall be liable execution and sale in the same manner as the property of individuals; and e legislature shall pass no laws exempting any such property from execution d sale.

SEC. 5. No railroad or other corporation, or the lessees, purchasers, or anagers of any railroad corporation, shall consolidate the stock, property, or nchises of such corporation, with, or lease or purchase the works or fran-ises of, or in any way control any railroad corporation owning or having der its control a parallel or competing line; nor shall any officer of such lroad corporation act as an officer of any other railroad corporation owning having the control of a parallel or competing line.

SEC. 6. No railroad company organized under the laws of this State shall nsolidate, by private or judicial sale or otherwise, with any railroad com-y organized under the laws of any other State or of the United States.

SEC. 7. No law shall be passed by the legislature granting the right to nstruct and operate a street-railroad within any city, town, or village, or on any public highway, without first acquiring the consent of the local au-orities having control of the street or highway proposed to be occupied by h street-railroad.

SEC. 8. No railroad corporation in existence at the time of the adoption this constitution shall have the benefit of any future legislation, except on ndition of complete acceptance of all the provisions of this constitution ap-cable to railroads.

SEC. 9. No railroad hereafter constructed in this State shall pass within distance of three miles of any county-seat without passing through the same, l establishing and maintaining a depot therein, unless prevented by natural acles, such as streams, hills, or mountains; Provided, Such town or its citi-s shall grant the right of way through its limits and sufficient ground for inary depot purposes.

[19] Amendment proposed by the legislature of 1889, ratified on November 4, 1890, proclaimed adopted on December 19, 1890.

ARTICLE XI.

MUNICIPAL CORPORATIONS.

SECTION 1. The several counties of this State are hereby recognized a legal subdivisions of the State.

SEC. 2. The construction of jails, court-houses, and bridges, and the estab lishment of county poor-houses and farms, and the laying out, construction, an repairing of county roads shall be provided for by general laws.

SEC. 3. No county, city, or other municipal corporation shall hereafter be come a subscriber to the capital of any private corporation or association, o make any appropriation or donation to the same, or in any wise loan its credit but this shall not be construed to in any way affect any obligation heretofor undertaken pursuant to law.

SEC. 4. Cities and towns, having a population of five thousand or less may be chartered alone by general law. They may levy, assess and collec an annual tax to defray the current expenses of their local government; bu such tax shall never exceed, for any one year, one-fourth of one per cen and shall be collectible only in current money; and all licenses and occupatio taxes levied, and all fines, forfeitures, penalties and other dues accruing t cities and towns, shall be collectible only in current money.[20]

SEC. 5. Cities having more than five thousand (5000) inhabitants may, b a majority vote of the qualified voters of said city, at an election held for tha purpose, adopt or amend their charters, subject to such limitations as may b prescribed by the legislature, and providing that no charter or any ordinanc passed under said charter shall contain any provision inconsistent with th constitution of the state, or of the general laws enacted by the legislature o this state; said cities may levy, assess and collect such taxes as may be author ized by law or by their charters; but no tax for any purpose shall ever b lawful for any one year, which shall exceed two and one-half per cent of th taxable property of such city, and no debt shall ever be created by any cit unless at the same time provision be made to assess and collect annually sufficient sum to pay the interest thereon and creating a sinking fund of a least two per cent thereon; and provided further, that no city charter shall b altered, amended or repealed oftener than every two years.[21]

SEC. 6. Counties, cities, and towns are authorized, in such mode as ma now or may hereafter be provided by law, to levy, assess, and collect the taxe necessary to pay the interest and provide a sinking-fund to satisfy any indeb edness heretofore legally made and undertaken; but all such taxes shall b assessed and collected separately from that levied, assessed, and collected fo current expenses of municipal government, and shall when levied specify in th act of levying the purpose therefor, and such taxes may be paid in the coupon bonds, or other indebtedness for the payment of which such tax may hav been levied.

SEC. 7. All counties and cities bordering on the coast of the Gulf of Mexi are hereby authorized, upon a vote of two-thirds of the tax-payers therein, (be ascertained as may be provided by law,) to levy and collect such tax for co struction of sea-walls, breakwaters, or sanitary purposes, as may be authoriz by law, and may create a debt for such works and issue bonds in eviden thereof. But no debt for any purpose shall ever be incurred in any mann by any city or county, unless provision is made, at the time of creating t

[20] Amendment proposed by the legislature of 1909, ratified on August 3, 1909, a proclaimed adopted on September 24, 1909.

[21] Section 5 has been amended twice; the first amendment was proposed by t legislature of 1909, ratified on August 3, 1909, and proclaimed adopted on Septem 24, 1909; the present amendment was proposed by the legislature of 1911, ratified November 5, 1912, and proclaimed adopted on December 30, 1912. The text of t amendment of 1909 is as follows: Sec. 5. Cities having more than five thousa inhabitants may have their charters granted or amended by special act of the legis ture, and may levy, assess and collect such taxes as may be authorized by law; b no tax for any purposes shall ever be lawful, for any one year, which shall exce two and one-half per cent. of the taxable property of such city; and no debt shall e be created by any city or town, unless at the same time provision be made to ass and collect annually a sufficient sum to pay the interest thereon and create a sink fund of at least two per cent. thereon.

ame, for levying and collecting a sufficient tax to pay the interest thereon nd provide at least two per cent. as a sinking fund; and the condemnation f the right of way for the erection of such works shall be fully provided for.

SEC. 8. The counties and cities on the Gulf coast being subject to calam- ous overflows, and a very large proportion of the general revenue being de- ived from those otherwise prosperous localities, the legislature is especially uthorized to aid by donation of such portion of the public domain as may e deemed proper, and in such mode as may be provided by law, the construc- ion of sea-walls or breakwaters, such aid to be proportioned to the extent nd value of the works constructed, or to be constructed, in any locality.

SEC. 9. The property of counties, cities, and towns owned and held only or public purposes, such as public buildings and the sites therefor, fire-engines nd the furniture thereof, and all property used or intended for extinguishing res, public grounds and all other property devoted exclusively to the use and enefit of the public, shall be exempt from forced sale and from taxation; Pro- ided, Nothing herein shall prevent the enforcement of the vendor's lien, the echanic's or builder's lien, or other liens now existing.

SEC. 10. The legislature may constitute any city or town a separate and ndependent school-district. And when the citizens of any city or town have charter, authorizing the city authorities to levy and collect a tax for the sup- ort and maintenance of a public institution of learning, such tax may here- fter be levied and collected, if, at an election held for that purpose, two- hirds of the tax-payers of such city or town shall vote for such tax.

ARTICLE XII.

PRIVATE CORPORATIONS.

SECTION 1. No private corporation shall be created except by general laws.

SEC. 2. General laws shall be enacted providing for the creation of private orporations, and shall therein provide fully for the adequate protection of the ublic and of the individual stockholders.

SEC. 3. The right to authorize and regulate freights, tolls, wharfage, or ates levied and collected, or proposed to be levied and collected, by individuals, ompanies, or corporations, for the use of highways, landings, wharves, bridges, nd ferries devoted to public use, has never been and shall never be relin- uished or abandoned by the State, but shall always be under legislative con- ol and depend upon legislative authority.

SEC. 4. The first legislature assembled after the adoption of this consti- ution shall provide a mode of procedure by the attorney-general and district county attorneys, in the name and behalf of the State, to prevent and punish he demanding and receiving or collection of any and all charges as freight, harfage, fares, or tolls, for the use of property devoted to the public, unless he same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, olls, or wharfage shall at all times be subject to amendment, modification, repeal by the legislature.

SEC. 6. No corporation shall issue stock or bonds except for money paid, bor done, or property actually received, and all fictitious increase of stock or debtedness shall be void.

SEC. 7. Nothing in this article shall be construed to divest or affect rights uaranteed by any existing grant or statute or this State or of the republic Texas.

ARTICLE XIII.

SPANISH AND MEXICAN LAND-TITLES.

SECTION 1. All fines, penalties, forfeitures, and escheats which have here- fore accrued to the republic and State of Texas, under their constitutions nd laws, shall accrue to the State under this constitution; and the legislature hall provide a method for determining what lands have been forfeited, and for ving effect to escheats; and all such rights of forfeiture and escheat to the

State shall, ipso facto, inure to the protection of the innocent holders of junio titles, as provided in sections 2, 3, and 4 of this article.

SEC. 2. Any claim of title or right to land in Texas, issued prior to th 13th day of November, 1835, not duly recorded in the county where the lan was situated at the time of such record, or not duly archived in the genera land-office, or not in the actual possession of the grantee thereof, or some perso claiming under him, prior to the accruing of junior title thereto from th sovereignty of the soil, under circumstances reasonably calculated to give notic to said junior grantee, has never had, and shall not have, standing or effec against such junior title, or color of title, acquired without such or actual notic of such prior claim of title or right; and no condition annexed to such grant not archived or recorded or occupied as aforesaid, has been, or ever shall b released or waived, but actual performance of all such conditions shall b proved by the person or persons claiming under such title or claim of righ in order to maintain action thereon, and the holder of such junior title, or colo of title, shall have all the rights of the government which have heretofor existed, or now exist, arising from the non-performance of all such conditions

SEC. 3. Non-payment of taxes on any claim of title to land, dated prio to the 13th day of November, 1835, not recorded or archived, as provided i section 2, by the person or persons so claiming, or those under whom he o they so claim, from that date up to the date of the adoption of this constitu tion, shall be held to be a presumption that the right thereto has reverted t the State, and that said claim is a stale demand, which presumption shall onl be rebutted by payment of all taxes on said lands, State, county, and cit or town, to be assessed on the fair value of such lands by the comptroller, an paid to him without commutation or deduction for any part of the abov period.

SEC. 4. No claim of title or right to land, which issued prior to the 13t day of November, 1835, which has not been duly recorded in the county wher the land was situated at the time of such record, or which has not been dul archived in the general land-office, shall ever hereafter be deposited in th general land-office, or recorded in this State, or delineated on the maps, o used as evidence in any of the courts of this State, and the same are stal claims; but this shall not affect such rights or presumptions as arise fro actual possession. By the words "duly recorded," as used in sections 2 and of this article, it is meant that such claim of title or right to land shall hav been recorded in the proper office, and that mere errors in the certificate o registration, or informality, not affecting the fairness and good faith of th holder thereof, with which the record was made, shall not be held to vitiat such record.

SEC. 5. All claims, locations, surveys, grants, and titles of any kind, whic are declared null and void by the constitution of the republic or State of Texa are, and the same shall remain forever, null and void.

SEC. 6. The legislature shall pass stringent laws for the detection an conviction of all forgers of land-titles, and may make such appropriations o money for that purpose as may be necessary.

SEC. 7. Sections 2, 3, 4, and 5 of this article shall not be so construed a to set aside or repeal any law or laws of the republic or State of Texas, re leasing the claimants of headrights of colonists of a league of land, or les from compliance with the conditions on which their grants were made.

ARTICLE XIV.

PUBLIC LANDS AND LAND-OFFICE.

SECTION 1. There shall be one general land-office in the State, which sha be at the seat of government, where all land-titles which have emanated, o may hereafter emanate, from the State shall be registered, except those titl the registration of which may be prohibited by this constitution. It shall b the duty of the legislature, at the earliest practicable time, to make the lan office self-sustaining, and from time to time the legislature may establish suc subordinate offices as may be deemed necessary.

SEC. 2. All unsatisfied genuine land-certificates barred by section 4, article), of the constitution of 1869, by reason of the holders or owners thereof fail- g to have them surveyed and returned to the land-office by the 1st day of nuary, 1875, are hereby revived. All unsatisfied genuine land-certificates now existence shall be surveyed and returned to the general land-office within ve years after the adoption of this constitution, or be forever barred; and all nuine land-certificates hereafter issued by the State shall be surveyed and turned to the general land-office within five years after issuance, or be for- er barred; Provided, That all genuine land-certificates heretofore or here- ter issued shall be located, surveyed, or patented only upon vacant and un- propriated public domain, and not upon any land titled or equitably owned der color of title from the sovereignty of the State, evidence of the appro- iation of which is on the county records or in the general land-office, or when e appropriation is evidenced by the occupation of the owner, or of some per- n holding for him.

SEC. 3. The legislature shall have no power to grant any of the lands of is State to any railway company, except upon the following restrictions and nditions:

First. That there shall never be granted to any such corporation more an sixteen sections to the mile, and no reservation of any part of the public main for the purpose of satisfying such grant shall ever be made.

Second. That no land-certificate shall be issued to such company until ey have equipped, constructed, and in running order at least ten miles of road d on the failure of such company to comply with the terms of its charter, to alienate its land at a period to be fixed by law, in no event to exceed elve years from the issuance of the patent, all said land shall be forfeited to e State, and become a portion of the public domain, and liable to location d survey. The legislature shall pass general laws only, to give effect to the ovisions of this section.

SEC. 4. No certificate for land shall be sold at the land-office except to ual settlers upon the same, and in lots not to exceed one hundred and sixty res.

SEC. 5. All lands heretofore or hereafter granted to railway companies, ere the charter or law of the State required, or shall hereafter require, their enation within a certain period, on pain of forfeiture, or is silent on the ject of forfeiture, and which lands have not been or shall not hereafter be enated, in conformity with the terms of their charters and the laws under ich the grants were made, are hereby declared forfeited to the State, and ject to pre-emption, location, and survey as other vacant lands. All lands retofore granted to said railroad companies to which no forfeiture was at- hed on their failure to alienate, are not included in the foregoing clause; in all such last-named cases it shall be the duty of the attorney-general, in ery instance where alienations have been or hereafter may be made, to in- re into the same, and if such alienation has been made in fraud of the rights the State, and is colorable only, the real and beneficial interest being still such corporation, to institute legal proceedings in the county where the seat government is situated to forfeit such lands to the State, and if such aliena- n be judicially ascertained to be fraudulent and colorable as aforesaid, such nds shall be forfeited to the State, and become a part of the vacant public main, liable to pre-emption, location, and survey.

SEC. 6. To every head of a family without a homestead there shall be nated one hundred and sixty acres of public land, upon condition that he will ect and locate said land, and occupy the same three years, and pay the ce-fees due thereon. To all single men of eighteen years of age and up- rds shall be donated eighty acres of public land, upon the terms and condi ns prescribed for heads of families.

SEC. 7. The State of Texas hereby releases to the owner or owners of the all mines and minerals that may be on the same, subject to taxation as other perty.

SEC. 8. Persons residing between the Nueces River and the Rio Grande,

and owning grants for lands which emanated from the government of Spain or that of Mexico, which grants have been recognized and validated by the State, by acts of the legislature, approved February 10, 1852, August 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the 1st day of January, 1880, to complete their surveys and the plots thereof, and to return their field-notes to the general land-office; and all claimants failing to do so shall be forever barred: Provided, Nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.

IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the house of representatives.

SEC. 2. Impeachment of the governor, lieutenant-governor, attorney-general, treasurer, commissioner of the general land-office, comptroller, and the judges of the supreme court, court of appeals, and district court shall be tried by the senate.

SEC. 3. When the senate is sitting as a court of impeachment, the senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the senators present.

SEC. 4. Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust, or profit under this State. A party convicted on impeachment shall also be subject to indictment, trial, and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

SEC. 6. Any judge of the district courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or of oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the supreme court. The supreme court shall have original judisdiction to hear and determine the causes aforesaid, when presented in writing upon the oaths taken before some judge of a court of record of not less than ten lawyers practicing in the courts held by such judge and licensed to practice in the supreme court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The supreme court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

SEC. 7. The legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this constitution.

ADDRESS.

SEC. 8. The judges of the supreme court, court of appeals, and district courts, shall be removed by the governor on the address of two-thirds of each house of the legislature for willful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment: Provided, however, That the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each house: And provided further, That the cause or causes shall be notified to the judge so intended to be removed

and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on the journals of each house, respectively.

ARTICLE XVI.

GENERAL PROVISIONS.

SECTION 1. Members of the legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I, ———, do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ———, according to the best of my skill and ability, agreeably to the Constitution and laws of the United States and of this State; and I do further solemnly swear (or affirm) that since the adoption of the constitution of this State, I being a citizen of this State, have not fought a duel with deadly weapons, within this State nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, or aided, advised or assisted any person thus offending. And I furthermore solemnly swear (or affirm) that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected, (or if the office is one of appointment, to secure my appointment:) So help me God."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage those who may have been or shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be protected by laws regulating elections and prohibiting under adequate penalties all undue influence therein from power, bribery, tumult, or other improper practice.

SEC. 3. The legislature shall make provision whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

SEC. 4. Any citizen of this State who shall, after the adoption of this constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 5. Every person shall be disqualified from holding any office of profit or trust in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 6. No appropriation for private or individual purposes shall be made. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually in such manner as shall be prescribed by law.

SEC. 7. The legislature shall in no case have power to issue "treasury warrants," "treasury notes," or paper of any description intended to circulate as money.

SEC. 8. Each county in the State may provide, in such manner as may be prescribed by law, a manual-labor poor-house and farm, for taking care of, managing, employing, and supplying the wants of its indigent and poor inhabitants.

SEC. 9. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or of being elected or appointed to any office under the exceptions contained in this constitution.

SEC. 10. The legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

SEC. 11. All contracts for a greater rate of interest than ten per centum per annum shall be deemed usurious, and the first legislature after this amendment is adopted shall provide appropriate pains and penalties to prevent the same; but when no rate of interest is agreed upon, the rate shall not exceed six per centum per annum.[22]

SEC. 12. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the legislature, or hold or exercise any office of profit or trust under this State.

SEC. 13. It shall be the duty of the legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 14. All civil officers shall reside within the State; and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

SEC. 15. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property; and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

SEC. 16. The legislature shall, by general laws, authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of state supervision, regulation and control of such bodies which will adequately protect and secure the depositors and creditors thereof. Each shareholder of such corporate body incorporated in this State, so long as he owns shares therein, and for twelve months after the date of any bona fide transfer thereof shall be personally liable for all debts of such corporate body existing at the date of such transfer, to an amount additional to the par value of such shares so owned or transferred, equal to the par value of such shares so owned or transferred. No such corporate body shall be chartered until all of the authorized capital stock has been subscribed and paid for in full in cash. Such body corporate shall not be authorized to engage in business at more than one place, which shall be designated in its charter. No foreign corporation, other than the national banks of the United States, shall be permitted to exercise banking or discounting privileges in this state.[23]

SEC. 17. All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 18. The rights of property and of action, which have been acquired under the constitution and laws of the republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred, or declared null and void by the constitution of the republic and State, be reinvested, renewed, or reinstated by this constitution; but the same shall remain precisely in the situation which they were before the adoption of this constitution, unless otherwise herein provided; And provided further, That no cause of action heretofore barred shall be revived.

SEC. 19. The legislature shall prescribe by law the qualification of grand and petit jurors.

SEC. 20. The legislature shall, at its first session, enact a law whereby the qualified voters of any county, justice's precinct, town, city (or such subdivision of a county as may be designated by the commissioners' court of said county) may, by a majority vote, determine from time to time whether the sale of intoxicating liquors shall be prohibited within the prescribed limits.[24]

[22] Amendment proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed and adopted on September 22, 1891.

[23] Amendment proposed by the legislature of 1903, ratified on November 8, 1904, and proclaimed and adopted on December 29, 1904.

[24] Amendment proposed by the legislature of 1891, ratified on August 11, 1891, and proclaimed adopted on September 22, 1891.

SEC. 21. All stationery and printing, except proclamations and such printg as may be done at the deaf and dumb asylum, paper, and fuel used in he legislative and other departments of the government, except the judicial epartment, shall be furnished, and the printing and binding of the laws, ournals, and department reports, and all other printing and binding, and the epairing and furnishing the halls and rooms used for the meetings of the gislature and its committees, shall be performed under contract, to be ven to the lowest responsible bidder, below such maximum price, and under ich regulations, as shall be prescribed by law. No member or officer of any epartment of the government shall be in any way interested in such conacts; and all such contracts shall be subject to the approval of the governor, ecretary of state, and comptroller.

SEC. 22. The legislature shall have the power to pass such fence-laws, pplicable to any subdivision of the State or counties, as may be needed to eet the wants of the people.

SEC. 23. The legislature may pass laws for the regulation of live stock nd the protection of stock-raisers in the stock-raising portion of the State, nd exempt from the operation of such laws other portions, sections, or coun-s; and shall have power to pass general and special laws for the inspection cattle, stock, and hides, and for the regulation of brands: Provided, That y local law thus passed shall be submitted to the freeholders of the section be affected thereby, and approved by them, before it shall go into effect.

SEC. 24. The legislature shall make provision for laying out and workg public roads, for the building of bridges, and for utilizing fines, forfeitures, d convict labor to all these purposes.

SEC. 25. That all drawbacks and rebatement of insurance, freight, transrtation, carriage, wharfage, storage, compressing, baling, repairing, or for y other kind of labor or service, of or to any cotton, grain, or any other oduce or article of commerce in this State, paid, or allowed, or contracted , to any common carrier, shipper, merchant, commission-merchant, factor, ent, or middle-man of any kind, not the true and absolute owner thereof, e forever prohibited, and it shall be the duty of the legislature to pass ective laws punishing all persons in this State who pay, receive, or conict for or respecting the same.

SEC. 26. Every person, corporation, or company, that may commit a micide, through a wilful act, or omission, or gross neglect, shall be responle, in exemplary damages, to the surviving husband, widow, heirs of or her body, or such of them as there may be, without regard to any minal proceeding that may or may not be had in relation to the homicide.

SEC. 27. In all elections to fill vacancies of office in this State it shall be fill the unexpired term only.

SEC. 28. No current wages for personal service shall ever be subject garnishment.

SEC. 29. The legislature shall provide by law for defining and punish- barratery.

SEC. 30. The duration of all offices not fixed by this constitution shall er exceed two years; provided, that when a railroad commission is created law it shall be composed of three commissioners, who shall be elected by people at a general election for state officers, and their terms of office ll be six years; provided, railroad commissioners first elected after this endment goes into effect shall hold office as follows: One shall serve two rs, and one four years, and one six years, their terms to be decided by immediately after they shall have been qualified. And one railroad comssioner shall be elected every two years thereafter. In case of vacancy in l office, the governor of the state shall fill said vacancy by appointment il the next general election.[25]

SEC. 30a. The legislature may provide by law that the members of the rd of Regents of the State University and Boards of Trustees or managers

[25] Amendment proposed by the legislature of 1893, ratified on November 6, 1894, proclaimed adopted on December 21, 1894.

of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one-third of the members of such boards as have been, or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one-third of the members of such boards to be elected or appointed every two (2) years in such manner as the legislature may determine; vacancies in such offices to be filled as may be provided by law, and the legislature shall enact suitable laws to give effect to this section.[26]

SEC. 31. The legislature may pass laws, prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice; but no preference shall ever be given by law to any schools of medicine.

SEC. 32. The legislature may provide by law for the establishment of a board of health and vital statistics, under such rules and regulations as it may deem proper.

SEC. 33. The accounting-officers of this State shall neither draw nor pass a warrant upon the treasury in favor of any person, for salary or compensation as agent, officer, or appointee, who holds at the same time any other office or position of honor, trust, or profit under this State or the United States, except as prescribed in this constitution.

SEC. 34. The legislature shall pass laws authorizing the governor to lease or sell to the Government of the United States, a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals and military stations, or camps, and for other needful military purposes; and the action of the governor therein shall be subject to the approval of the legislature.

SEC. 35. The legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals, and other similar public works against the failure of contractors and sub-contractors to pay their current wages when due, and to make the corporation, company, or individual for whose benefit the work is done responsible for their ultimate payment.

SEC. 36. The legislature shall, at its first session, provide for the payment, or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools, by the State, for service rendered prior to the 1st day of July, 1873, and for the payment by the school-districts in the State of amounts justly due teachers of public schools by such districts to January, 1876.

SEC. 37. Mechanics, artisans, and material-men of every class, shall have a lien upon the buildings and articles made or repaired by them for the value of their labor done thereon or material furnished therefor; and the legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 38. The legislature may, at such time as the public interest may require, provide for the office of commissioner of insurance, statistics, and history, whose term of office, duties, and salary shall be prescribed by law.

SEC. 39. The legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings, and documents of historical value.

SEC. 40. No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public, and postmaster, unless otherwise specially provided herein.

SEC. 41. Any person who shall, directly or indirectly, offer, give, or promise, any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as shall be provided by law. And any member of the legislature, or executive or judicial officer, who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or

[26] Section 30a is a new section; it was proposed by the legislature of 1911, ratified on November 5, 1912, and proclaimed adopted on December 30, 1912.

r another, from any company, corporation, or person, any money, appointent, employment, testimonial, reward, thing of value or employment, or of rsonal advantage or promise thereof, for his vote or official influence, or r withholding the same, or with any understanding, expressed or implied, at his vote or official action shall be in any way influenced thereby, or who all solicit, demand, and receive any such money or other advantage, matter, thing aforesaid for another, as the consideration of his vote or official inuence, in consideration of the payment or promise of such money, advantage, tter or thing to another, shall be held guilty of bribery, within the meaning the constitution, and shall incur the disabilities provided for said offenses, th a forfeiture of the office he may hold, and such other additional punishent as is or shall be provided by law.

SEC. 42. The legislature may establish an inebriate asylum, for the cure drunkenness and reform of inebriates.

SEC. 43. No man or set of men shall ever be exempted, relieved, or disarged from the performance of any public duty or service imposed by general w by any special law. Exemptions from the performance of such public ty or service shall only be made by general law.

SEC. 44. The legislature shall prescribe the duties and provide for the ection, by the qualified voters of each county in this State, of a county easurer and a county surveyor, who shall have an office at the county-seat, d hold their office for two years, and until their successors are qualified; d shall have such compensation as may be provided by law.

SEC. 45. It shall be the duty of the legislature to provide for collecting, ranging, and safely keeping such records, rolls, correspondence, and other cuments, civil and military, relating to the history of Texas, as may be w in the possession of parties willing to confide them to the care and preservation of the State.

SEC. 46. The legislature shall provide by law for organizing and disciplin- the militia of the State in such manner as they shall deem expedient, t incompatible with the Constitution and laws of the United States.

SEC. 47. Any person who conscientiously scruples to bear arms shall not compelled to do so, but shall pay an equivalent for personal service.

SEC. 48. All laws and parts of laws now in force in the State of Texas hich are not repugnant to the constitution of the United States or to this contution shall continue and remain in force as the laws of this State until ey expire by their own limitation or shall be amended or repealed by the gislature.

SEC. 49. The legislature shall have power, and it shall be its duty, to otect by law from forced sale a certain portion of the personal property of heads of families, and also of unmarried adults, male and female.

SEC. 50. The homestead of a family shall be, and is hereby, protected om forced sale, for the payment of all debts except for the purchase-money ereof, or a part of such purchase-money, the taxes due thereon, or for work d material used in constructing improvements thereon, and in this last case ly when the work and material are contracted for in writing, with the con- t of the wife given in the same manner as is required in making a sale d conveyance of the homestead; nor shall the owner, if a married man, sell homestead without the consent of the wife, given in such manner as may prescribed by law. No mortgage, trust-deed, or other lien on the homestead all ever be valid, except for the purchase-money therefor, or improvements ade thereon, as hereinbefore provided, whether such mortgage, or trust-deed, other lien, shall have been created by the husband alone, or together with s wife; and all pretended sales of the homestead involving any condition of feasance shall be void.

SEC. 51. The homestead, not in a town or city, shall consist of not more an two hundred acres of land, which may be in one or more parcels, with e improvements thereon; the homestead in a city, town, or village shall const of lot, or lots, not to exceed in value five thousand dollars at the time of eir designation as the homestead without reference to the value of any im-

provements thereon: Provided, That the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of a family: Provided also, That any temporary renting of the homestead shall not change the character of the same when no other homestead has been acquired.

SEC. 52. On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the life-time of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having the jurisdiction, to use and occupy the same.

SEC. 53. That no inconvenience may arise from the adoption of this constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this constitution is adopted, shall remain valid, and shall not be in any way affected by the adoption of this constitution.

SEC. 54. It shall be the duty of the legislature to provide for the custody and maintenance of indigent lunatics, at the expense of the State, under such regulations and restrictions as the legislature may prescribe.

SEC. 55. The legislature may provide annual pensions, not to exceed one hundred and fifty dollars per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the 1st of January, 1837; and also to the surviving signers of the declaration of independence of Texas, and to the surviving widows, continuing unmarried, of such soldiers and signers: Provided, That no such pension be granted except to those in indigent circumstances, proof of which shall be made before the county court of the county where the applicant resides, in such manner as may be provided by law.

SEC. 56. The legislature shall have no power to appropriate any of the public money for the establishment and maintenance of a bureau of immigration, or for any purpose of bringing immigrants to this State.

SEC. 57. Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the legislature; and the legislature shall pass suitable laws to carry this section into effect.

SEC. 58. The Board of Prison Commissioners charged by law with the control and management of the State prisons, shall be composed of three members appointed by the Governor, by and with the consent of the senate, and whose terms of office shall be six years, or until their successors are appointed and qualified; provided that the terms of office of the Board of Prison Commissioners first appointed after the adoption of this amendment shall begin on January 20th of the year following the adoption of this amendment, and shall hold office as follows: One shall serve two years, one four years, and one six years. Their terms to be decided by lot after they shall have qualified, and one Prison Commissioner shall be appointed every two years thereafter. In case of a vacancy in said office the Governor of this State shall fill said vacancy by appointment for the unexpired term thereof.[2]

ARTICLE XVII.

MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

SECTION 1. The legislature, at any biennial session, by a vote of two-thirds of all the members elected to each house, to be entered by yeas and nays on the journals, may propose amendments to the constitution, to be voted upon by the qualified electors for members of the legislature, which proposed

[2] Section 58 is a new section; it was proposed by the legislature of 1911, ratified on November 5, 1912, and proclaimed adopted on December 30, 1912.

amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the legislature, in one weekly newspaper of each county in which such newspaper may be published; and it shall be the duty of the several returning-officers of said election to open a poll for, and make returns to, the secretary of state of the number of legal votes cast at said election for and against said amendments; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment, the said amendment so receiving a majority of the votes cast shall become a part of this constitution, and proclamation shall be made by the governor thereof.

Done by the delegates of the people of Texas, in convention assembled, in the city of Austin, on this the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventy-five.

In testimony whereof we hereunto subscribe our names.

EDWARD B. PICKETT, *President.*

LEIGH CHALMERS, *Secretary.*

CONSTITUTION OF UTAH—1895.*

PREAMBLE.

Grateful to Almighty God for life and liberty, we, the people of Utah, in order to secure and perpetuate the principles of free government, do ordain and establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men have the inherent and inalienable right to enjoy and defend their lives and liberties; to acquire, possess and protect property; to worship according to the dictates of their consciences; to assemble peaceably, protest against wrongs, and petition for redress of grievances; to communicate freely their thoughts and opinions, being responsible for the abuse of that right.

SEC. 2. All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require.

SEC. 3. The State of Utah is an inseparable part of the Federal Union and the Constitution of the United States is the supreme law of the land.

SEC. 4. The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; no religious test shall be required as a qualification for any office of public trust or for any vote at any election; nor shall any person be incompetent as a witness or juror on account of religious belief or the absence thereof. There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment. No property qualification shall be required of any person to vote or hold office, except as provided in this Constitution.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety requires it.

SEC. 6. The people have the right to bear arms for their security and defense, but the Legislature may regulate the exercise of this right by law.

SEC. 7. No person shall be deprived of life, liberty or property, without due process of law.

SEC. 8. All prisoners shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption strong.

SEC. 9. Excessive bail shall not be required; excessive fines shall not be imposed; nor shall cruel and unusual punishments be inflicted. Persons arrested or imprisoned shall not be treated with unnecessary rigor.

SEC. 10. In capital cases the right of trial by jury shall remain inviolate. In courts of general jurisdiction, except in capital cases, a jury shall consist of eight jurors. In courts of inferior jurisdiction a jury shall consist of four jurors. In criminal cases the verdict shall be unanimous. In civil cases three-fourths of the jurors may find a verdict. A jury in civil cases shall be waived unless demanded.

SEC. 11. All courts shall be open, and every person, for an injury done to him in his person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay; and

* The constitution of Utah was framed by a convention which assembled at Salt Lake City on March 4 and adjourned on May 8, 1895. The convention was submitted to the people on November 5, 1895, and was ratified by a vote of 31,305 to 7,687. The constitution was submitted as a whole and no proposition was submitted separately, and it became effective on January 4, 1896, the day when the President's proclamation admitting Utah to the Union was issued.

) person shall be barred from prosecuting or defending before any tribunal this State, by himself or counsel, any civil cause to which he is a party.

SEC. 12. In criminal prosecutions the accused shall have the right to ppear and defend in person and by counsel, to demand the nature and cause the accusation against him, to have a copy thereof, to testify in his own half, to be confronted by the witnesses against him, to have compulsory ocess to compel the attendance of witnesses in his own behalf, to have a eedy public trial by an impartial jury of the county or district in which the fense is alleged to have been committed, and the right to appeal in all cases. no instance shall any accused person, before final judgment, be compelled advance money or fees to secure the rights herein guaranteed. The accused all not be compelled to give evidence against himself; a wife shall not be mpelled to testify against her husband, nor a husband against his wife, nor all any person be twice put in jeopardy for the same offense.

SEC. 13. Offenses heretofore required to be prosecuted by indictment, shall prosecuted by information after examination and commitment by a magisrate, unless the examination be waived by the accused with the consent of e State, or by indictment, with or without such examination and commitment. he grand jury shall consist of seven persons, five of whom must concur to find indictment; but no grand jury shall be drawn or summoned unless in the inion of the judge of the district, public interest demands it.

SEC. 14. The right of the people to be secure in their persons, houses, pers and effects against unreasonable searches and seizures shall not be olated; and no warrant shall issue but upon probable cause supported by th or affirmation, particularly describing the place to be searched, and the rson or thing to be seized.

SEC. 15. No law shall be passed to abridge or restrain the freedom of eech or of the press. In all criminal prosecutions for libel the truth may be ven in evidence to the jury; and if it shall appear to the jury that the atter charged as libelous is true, and was published with good motives, and justifiable ends, the party shall be acquitted; and the jury shall have the ht to determine the law and the fact.

SEC. 16. There shall be no imprisonment for debt except in cases of sconding debtors.

SEC. 17. All elections shall be free, and no power, civil or military, shall any time interfere to prevent the free exercise of the right of suffrage. ldiers, in time of war, may vote at their post of duty, in or out of the State, der regulations to be prescribed by law.

SEC. 18. No bill of attainder, ex post facto law, or law impairing the ligation of contracts shall be passed.

SEC. 19. Treason against the State shall consist only in levying war ainst it, or in adhering to its enemies or in giving them aid and comfort. person shall be convicted of treason unless on the testimony of two witsses to the same overt act.

SEC. 20. The military shall be in strict subordination to the civil power. o no soldier in time of peace, shall be quartered in any house without the nsent of the owner; nor in time of war except in a manner to be prescribed law.

SEC. 21. Neither slavery nor involuntary servitude, except as a punishent for crime, whereof the party shall have been duly convicted, shall exist thin this State.

SEC. 22. Private property shall not be taken or damaged for public use thout just compensation.

SEC. 23. No law shall be passed granting irrevocably any franchise, privge or immunity.

SEC. 24. All laws of a general nature shall have uniform operation.

SEC. 25. This enumeration of rights shall not be construed to impair or ny others retained by the people.

SEC. 26. The provisions of this Constitution are mandatory and prohibiy, unless by express words they are declared to be otherwise.

SEC. 27. Frequent recurrence to fundamental principles is essential to th security of individual rights and the perpetuity of free government.

ARTICLE II.

STATE BOUNDARIES.

SECTION 1. The boundaries of the State of Utah shall be as follows:

Beginning at a point formed by the intersection of the thirty-second degre of longitude west from Washington with the thirty-seventh degree of nort latitude; thence due west along said thirty-seventh degree north latitude to th intersection of the same with the thirty-seventh degree of longitude west fro Washington; thence due north along said thirty-seventh degree of west long tude to the intersection of the same with the forty-second degree of north lat tude; thence due east along said forty-second degree of north latitude to th intersection of the same with the thirty-fourth degree of longitude west fro Washington; thence due south along said thirty-fourth degree of west longitud to the intersection of the same with the forty-first degree of north latitude thence due east along said forty-first degree of north latitude to the intersecti of the same with the thirty-second degree of longitude west from Washingto thence due south along said thirty-second degree of west longitude to the pla of beginning.

ARTICLE III.

ORDINANCE.

The following ordinance shall be irrevocable without the consent of th United States and the people of this State:

First:—Perfect toleration of religious sentiment is guaranteed. No i habitant of this State shall ever be molested in person or property on accou of his or her mode of religious worship; but polygamous or plural marriages a forever prohibited.

Second:—The people inhabiting this State do affirm and declare th they forever disclaim all right and title to the unappropriated public lan lying within the boundaries hereof, and to all lands lying within said limi owned or held by any Indian or Indian tribes; and that until the title there shall have been extinguished by the United States, the same shall be and r main subject to the disposition of the United States, and said Indian lands sha remain under the absolute jurisdiction and control of the Congress of t United States. The lands belonging to citizens of the United States, residi without this State shall never be taxed at a higher rate than the lands belon ing to residents of this State; nor shall taxes be imposed by this State on lan or property herein, belonging to or which may hereafter be purchased by t United States or reserved for its use; but nothing in this ordinance shall pr clude this State from taxing, as other lands are taxed, any lands owned or he by any Indian who has severed his tribal relations, and has obtained from t United States or from any person, by patent or other grant, a title thereto, sa and except such lands as have been or may be granted to any Indian or India under any act of Congress, containing a provision exempting the lands th granted from taxation, which last mentioned lands shall be exempted fr taxation so long, and to such extent, as is or may be provided in the act Congress granting the same.

Third:—All debts and liabilities of the Territory of Utah, incurred authority of the Legislative Assembly thereof, are hereby assumed and shall paid by this State.

Fourth:—The Legislature shall make laws for the establishment and ma tenance of a system of public schools, which shall be open to all the children the State, and be free from sectarian control.

ARTICLE IV.

ELECTIONS AND RIGHT OF SUFFRAGE.

SECTION 1. The rights of citizens of the State of Utah to vote and ho office shall not be denied or abridged on account of sex. Both male and fem

citizens of this State shall enjoy equally all civil, political and religious rights and privileges.

SEC. 2. Every citizen of the United States, of the age of twenty-one years and upwards, who shall have been a citizen for ninety days, and shall have resided in the State or Territory one year, in the county four months, and in the precinct sixty days next preceding any election, shall be entitled to vote at such election except as herein otherwise provided.

SEC. 3. In all cases except those of treason, felony or breach of the peace, electors shall be privileged from arrest on the days of election, during their attendance at elections, and going to and returning therefrom.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election except in time of war or public danger.

SEC. 5. No person shall be deemed a qualified elector of this State unless such person be a citizen of the United States.

SEC. 6. No idiot, insane person or person convicted of treason, or crime against the elective franchise, unless restored to civil rights, shall be permitted to vote at any election, or be eligible to hold office in this State.

SEC. 7. Except in elections levying a special tax or creating indebtedness, no property qualification shall be required for any person to vote or hold office.

SEC. 8. All elections shall be by secret ballot. Nothing in this section shall be construed to prevent the use of any machine or mechanical contrivance for the purpose of receiving and registering the votes cast at any election: Provided, That secrecy in voting be preserved.

SEC. 9. All general elections, except for municipal and school officers, shall be held on the Tuesday next following the first Monday in November of the year in which the election is held. Special elections may be held as provided by law. The terms of all officers elected at any general election shall commence on the first Monday in January next following the date of their election. Municipal and School officers shall be elected at such time as may be provided by law.

SEC. 10. All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation: I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State and that I will discharge the duties of my office with fidelity. ["]

ARTICLE V.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of Utah shall be divided into three distinct departments, the Legislative, the Executive, and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE VI.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the State shall be vested:

1. In a Senate and House of Representatives, which shall be designated the Legislature of the State of Utah.

2. In the people of the State of Utah as hereinafter stated:

The legal voters or such fractional part thereof of the State of Utah, as may be provided by law, under such conditions and in such manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people for approval or rejection, or may require any law passed by the Legislature (except those laws passed by a two-thirds vote of the members elected to each house of the Legislature) to be submitted to the voters of the State before such law shall take effect.

The legal voters, or such fractional part thereof, as may be provided by law, of any legal subdivision of the State, under such conditions and in such

manner and within such time as may be provided by law, may initiate any desired legislation and cause the same to be submitted to a vote of the people of said legal subdivision for approval or rejection, or may require any law or ordinance passed by the law-making body of said legal subdivision to be submitted to the voters thereof before such law or ordinance shall take effect.[1]

SEC. 2. Regular sessions of the Legislature shall be held biennially at the seat of government; and, except the first session thereof shall begin on the second Monday in January next after the election of members of the House of Representatives.

SEC. 3. The members of the House of Representatives, after the first election, shall be chosen by the qualified electors of the respective representative districts, on the first Tuesday after the first Monday in November, 1896, and biennially thereafter. Their term of office shall be two years, from the first day of January next after their election.

SEC. 4. The senators shall be chosen by the qualified electors of the respective senatorial districts, at the same times and places as members of the House of Representatives, and their term of office shall be four years from the first day of January next after their election; Provided, That the senators elected in 1896 shall be divided by lot into two classes as nearly equal as may be; seats of senators of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially thereafter. In case of increase in the number of senators, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal as practicable.

SEC. 5. No person shall be eligible to the office of senator or representative, who is not a citizen of the United States, twenty-five years of age, a qualified voter in the district from which he is chosen, a resident for three years of the State, and for one year of the district from which he is elected.

SEC. 6. No person holding any public office of profit or trust under authority of the United States, or of this State, shall be a member of the Legislature: Provided, That appointments in the State Militia, and the offices of notary public, justice of the peace, United States commissioner, and postmaster of the fourth class, shall not, within the meaning of this section, be considered offices of profit or trust.

SEC. 7. No member of the Legislature, during the term for which he was elected, shall be appointed or elected to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SEC. 8. Members of the Legislature, in all cases except treason, felony or breach of the peace, shall be privileged from arrest during each session of the Legislature, for fifteen days next preceding each session, and in returning therefrom; and for words used in any speech or debate in either house, they shall not be questioned in any other place.

SEC. 9. The members of the Legislature shall receive such per diem and mileage as the Legislature may provide, not exceeding four dollars per day, and ten cents per mile for the distance necessarily traveled going to and returning from the place of meeting on the most usual route, and they shall receive no other pay or perquisite.

SEC. 10. Each house shall be the judge of the election and qualifications of its members, and may punish them for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member for cause.

SEC. 11. A majority of the members of each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 12. Each house shall determine the rules of its proceedings, and choose its own officers and employees.

SEC. 13. The Governor shall issue writs of election to fill vacancies that may occur in either house of the Legislature.

[1] Amendment proposed by the legislature of 1899 and ratified on November 6, 1900.

SEC. 14. Each house shall keep a journal of its proceedings, which, except in case of executive sessions, shall be published, and the yeas and nays on any question, at the request of five members of such house, shall be entered upon the journal.

SEC. 15. All sessions of the Legislature, except those of the Senate while sitting in executive session, shall be public; and neither house, without the consent of the other, shall adjourn for more than three days, nor to any other place than that in which it may be holding session.

SEC. 16. No regular session of the Legislature (except the first, which may sit ninety days) shall exceed sixty days, except in cases of impeachment. No special sessions shall exceed thirty days, and in such special session, or when a regular session of the Legislature trying cases of impeachment exceeds sixty days, the members shall receive for compensation only the usual per diem and mileage.

SEC. 17. The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected must vote therefor.

SEC. 18. All impeachments shall be tried by the Senate, and senators, when sitting for that purpose, shall take oath or make affirmation to do justice according to the law and the evidence. When the Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected.

SEC. 19. The Governor and other State and Judicial officers, except justices of the peace, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial and punishment according to law.

SEC. 20. No person shall be tried on impeachment, unless he shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such service he shall not exercise the duties of his office until he shall have been acquitted.

SEC. 21. All officers not liable to impeachment shall be removed for any of the offenses specified in this article, in such manner as may be provided by law.

SEC. 22. The enacting clause of every law shall be, "Be it enacted by the Legislature of the State of Utah." Except such laws as may be passed by the vote of the electors as provided in subdivision 2, section 1 of this article, and such laws shall begin as follows: "Be it enacted by the people of the State of Utah." No bill or joint resolution shall be passed, except with the assent of the majority of all the members elected to each house of the Legislature, and after it has been read three times. The Vote upon the final passage of all bills shall be by yeas and nays; and no law shall be revised or amended by reference to its title only; but the act as revised, or section as amended, shall be re-enacted and published at length.[2]

SEC. 23. Except general appropriation bills, and bills for the codification and general revision of laws, no bill shall be passed containing more than one subject, which shall be clearly expressed in its title.

SEC. 24. The presiding officer of each house, in the presence of the house over which he presides, shall sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read immediately before signing, and the fact of such signing shall be entered upon the journal.

SEC. 25. All acts shall be officially published, and no act shall take effect until so published, nor until sixty days after the adjournment of the session at which it passed, unless the Legislature by a vote of two-thirds of all the members elected to each house, shall otherwise direct.

SEC. 26. The Legislature is prohibited from enacting any private or special laws in the following cases:

1. Granting divorce.

[2] Amendment proposed by the legislature of 1899 and ratified on November 6, 1900.

2. Changing the names of persons or places, or constituting one person the heir-at-law of another.

3. Locating or changing county seats.

4. Regulating the jurisdiction and duties of Justices of the Peace.

5. Punishing crimes and misdemeanors.

6. Regulating the practice of courts of justice.

7. Providing for a change of venue in civil or criminal actions.

8. Assessing and collecting taxes.

9. Regulating the interest on money.

10. Changing the law of descent or succession.

11. Regulating county and township affairs.

12. Incorporating cities, towns or villages; changing or amending the charter of any city, town or village; laying out, opening, vacating or altering town plats, highways, streets, wards, alleys or public grounds.

13. Providing for sale or mortgage of real estate belonging to minors or others under disability.

14. Authorizing persons to keep ferries across streams within the State.

15. Remitting fines, penalties, or forfeitures.

16. Granting to an individual, association or corporation any privilege, immunity or franchise.

17. Providing for the management of common schools.

18. Creating, increasing or decreasing fees, percentages or allowances of public officers during the term for which said officers are elected or appointed.

The Legislature may repeal any existing special law relating to the foregoing subdivisions.

In all cases where a general law can be applicable, no special law shall be enacted.

Nothing in this section shall be construed to deny or restrict the power of the Legislature to establish and regulate the compensation and fees of county and township officers; to establish and regulate the rates of freight, passage, toll and charges of railroads, toll roads, ditch, flume and tunnel companies, incorporated under the laws of the State or doing business therein.

SEC. 27. The Legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or person to the State, or to any municipal corporation therein.

SEC. 28. The Legislature shall not authorize any game of chance, lottery or gift enterprise under any pretense or for any purpose.

SEC. 29. The Legislature shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, to levy taxes, to select a capitol site, or to perform any municipal functions.

SEC. 30. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation, fee or allowance to any public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part, nor pay or authorize the payment of any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without authority of law; Provided, That this section shall not apply to claims incurred by public officers in the execution of the laws of the State.

SEC. 31. The Legislature shall not authorize the State, or any county, city, town, township, district or other political subdivision of the State to lend its credit or subscribe to stock or bonds in aid of any railroad, telegraph or other private individual or corporate enterprise or undertaking.

ARTICLE VII.

EXECUTIVE.

SECTION 1. The Executive Department shall consist of Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, and Superintendent

Public Instruction, each of whom shall hold his office for four years, beginning the first Monday of January next after his election, except that the terms office of those elected at the first election shall begin when the State shall admitted into the Union, and shall end on the first Monday in January, A. D., 01. The officers of the Executive Department, during their terms of office, all reside at the seat of government, where they shall keep the public records, oks and papers. They shall perform such duties as are prescribed by this nstitution and as may be prescribed by law.

SEC. 2. The officers provided for in section one of this article, shall be cted by the qualified electors of the State at the time and place of voting members of the Legislature, and the persons respectively having the highest mber of votes cast for the office voted for shall be elected; but if two or more ll have an equal and the highest number of votes for any one of said offices, two houses of the Legislature, at its next regular session, shall elect forth- h by joint ballot one of such persons for said office.

SEC. 3. No person shall be eligible to the office of Governor or Secretary State unless he shall have attained the age of thirty years at the time of his ction, nor to the office of Attorney-General unless he shall have attained the of twenty-five years at the time of his election, and have been admitted to actice in the Supreme Court of the Territory or of the State of Utah, nor ess he shall be in good standing at the bar at the time of his election. No rson shall be eligible to any of the offices provided for in section one of this icle, unless at the time of his election he shall be a qualified elector, and ll have been a resident citizen of the State or Territory for five years next ceding his election. The State Auditor and State Treasurer shall be ineligible election as their own successors.

SEC. 4. The Governor shall be Commander-in-Chief of the military forces the State, except when they shall be called into the service of the United tes. He shall have power to call out the militia to execute the laws, to sup ss insurrection, or to repel invasion.

SEC. 5. The Governor shall see that the laws are faithfully executed; he ll transact all executive business with the officers of the government, civil military, and may require information in writing from the officers of the ecutive Department, and from the officers and managers of State Institutions n any subject relating to the condition, management, and expenses of their pective offices and institutions, and at any time when the Legislative Assem- is not in session, may, if he deem it necessary, appoint a committee to in- igate and report to him upon the condition of any executive office or State titution. He shall communicate by message the condition of the State to Legislature at every regular session, and recommend such measures as he deem expedient.

SEC. 6. On extraordinary occasions, the governor may convene the Legis- re by proclamation, in which shall be stated the purpose for which the islature is to be convened, and it shall transact no legislative business except for which it was specially convened, or such other legislative business as Governor may call to its attention while in session. The Legislature, how- , may provide for the expenses of the session and other matters incidental eto. The Governor may also by proclamation convene the Senate in extraor- ary session for the transaction of executive business.

SEC. 7. In case of a disagreement between the two houses of the Legisla- at any special session, with respect to the time of adjournment, the Gov r shall have power to adjourn the Legislature to such time as he may k proper: Provided, it be not beyond the time fixed for the convening of next Legislature.

SEC. 8. Every bill passed by the Legislature, before it becomes a law, shall resented to the Governor; if he approve, he shall sign it, and thereupon it l become a law; but if he do not approve, he shall return it with his objec- s to the house in which it originated, which house shall enter the objections arge upon its journal and proceed to reconsider the bill. If, after such nsideration, it again passes both houses by a yea and nay vote of two-

thirds of the members elected to each house, it shall become a law, notwithstanding the Governor's objections. If any bill be not returned within five days after it shall have been presented to him, (Sunday, and the day on which he received it excepted,) the same shall be a law in like manner as if he had signed it, unless the Legislature by its final adjournment prevent such return in which case it shall be filed with his objections in the office of the Secretary of State within ten days after such adjournment (Sunday excepted) or become a law. If any bill presented to the Governor contains several items of appropriations of money, he may object to one or more such items, while approving other portions of the bill; in such case he shall append to the bill at the time of signing it, a statement of the item or items which he declines to approve, together with his reasons therefor, and such item or items shall not take effect unless passed over the Governor's objection as in this section provided.

SEC. 9. When any State or district office shall become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill the same by granting a commission, which shall expire at the next election, and upon qualification of the person elected to such office.

SEC. 10. The Governor shall nominate, and by and with the consent of the Senate, appoint all State and district officers, whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for. If, during the recess of the Senate, a vacancy occur in any State or district office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the Senate, when he shall nominate some person to fill such office. If the office of justice of the supreme or district court, Secretary of State, State Auditor, State Treasurer, Attorney-General or Superintendent of Public Instruction be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified, as may be by law provided.

SEC. 11. In case of the death of the Governor, or his impeachment, removal from office, inability to discharge the duties of his office, resignation, or absence from the State, the powers and duties of said office shall devolve upon the Secretary of State, until the disability shall cease, or until the next general election, when the vacancy shall be filled by election. If, during a vacancy in the office of Governor, the Secretary of State resign, die or become incapable of performing the duties of the office, or be displaced, or be absent from the State, the President pro tempore of the senate shall act as Governor until the vacancy be filled or the disability cease. While performing the duties of the Governor as in this section provided, the Secretary of State, or the President pro tempore of the senate, as the case may be, except in cases of temporary disability, or absence from the State, shall be entitled to the salary and emoluments of the Governor.

SEC. 12. Until otherwise provided by law, the Governor, Justices of the Supreme Court and Attorney-General shall constitute a Board of Pardons, a majority of whom, including the Governor, upon such conditions, and with such limitations and restrictions as they deem proper, may remit fines and forfeitures, commute punishments, and grant pardons after convictions, in all cases except treason and impeachments, subject to such regulations as may be provided by law, relative to the manner of applying for pardons; but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except after a full hearing before the Board, in open session, after previous notice of the time and place of such hearing has been given. The proceedings and decisions of the Board, with the reasons therefor in each case, together with the dissent of any member who may disagree, shall be reduced to writing, and filed, with all papers used upon the hearing, in the office of the Secretary of State.

The Governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the State, except treason or conviction on impeachment; but such respites or reprieves shall not extend beyond the next session of the Board of Pardons; and such Board, at such session, shall com-

inue or determine such respite or reprieve, or they may commute the punish-
ment, or pardon the offense as herein provided. In case of conviction for
reason, the Governor shall have the power to suspend execution of the sentence,
until the case shall be reported to the Legislature at its next regular session,
when the Legislature shall either pardon, or commute the sentence, or direct its
execution; he shall communicate to the Legislature at each regular session, each
ase of remission of fine or forfeiture, reprieve, commutation or pardon granted
ince the last previous report, stating the name of the convict, the crime for
which he was convicted, the sentence and its date, the date of remission, com-
mutation, pardon, or reprieve, with the reasons for granting the same, and the
objections, if any, of any member of the Board made thereto.

SEC. 13. Until otherwise provided by law, the Governor, Secretary of State
nd Attorney-General shall constitute a Board of State Prison Commissioners,
which Board shall have such supervision of all matters connected with the
State Prison as may be provided by law. They shall, also, constitute a Board
f Examiners, with power to examine all claims against the State except salaries
r compensation of officers fixed by law, and perform such other duties as may
e prescribed by law; and no claim against the State, except for salaries and
ompensation of officers fixed by law, shall be passed upon by the Legislature
vithout having been considered and acted upon by the said Board of Examiners.

SEC. 14. Until otherwise provided by law, the Governor, State Treasurer
nd State Auditor shall constitute a Board of Insane Asylum Commissioners.
Said Board shall have such supervision of all matters connected with the State
nsane Asylum as may be provided by law.

SEC. 15. Until otherwise provided by law, the Governor, Attorney-General
nd Superintendent of Public Instruction shall constitute a Board of Reform
chool Commissioners. Said Board shall have such supervision of all matters
onnected with the State Reform School as may be provided by law.

SEC. 16. The Secretary of State shall keep a record of the official acts
f the Legislature and Executive Department of the State, and, when required,
hall lay the same and all matters relative thereto before either branch of the
egislature, and shall perform such other duties as may be provided by law.

SEC. 17. The Auditor shall be Auditor of Public Accounts, and the Treas-
rer shall be the custodian of public moneys, and each shall perform such other
uties as may be provided by law.

SEC. 18. The Attorney-General shall be the legal adviser of the State
fficers, and shall perform such other duties as may be provided by law.

SEC. 19. The Superintendent of Public Instruction shall perform such
uties as may be provided by law.

SEC. 20. The Governor, Secretary of State, Auditor, Treasurer, Attorney-
eneral, Superintendent of Public Instruction and such other State and district
fficers as may be provided for by law, shall receive for their services quarterly,
compensation as fixed by law, which shall not be diminished or increased so
s to affect the salary of any officer during his term, or the term next ensuing
fter the adoption of this Constitution, unless a vacancy occur, in which case
he successor of the former incumbent shall receive only such salary as may be
rovided by law at the time of his election or appointment. The compensation
f the officers provided for by this article, until otherwise provided by law,
s fixed as follows:

Governor, Two Thousand Dollars per annum.

Secretary of State, Two Thousand Dollars per annum.

State Auditor, Fifteen Hundred Dollars per annum.

State Treasurer, One Thousand Dollars per annum.

Attorney-General, Fifteen Hundred Dollars per annum.

Superintendent of Public Instruction, Fifteen Hundred Dollars per annum.

The compensation for said officers as prescribed in this section, and in all
aws enacted pursuant to this Constitution, shall be in full for all services
endered by said officers, respectively, in any official capacity or employment
uring their respective terms of office. No such officer shall receive for the
erformance of any official duty any fee for his own use, but all fees fixed by

law for the performance by either of them of any official duty, shall be collected in advance and deposited with the State Treasurer quarterly to the credit of the State. The Legislature may provide for the payment of actual and necessary expenses of said officers while traveling in the State in the performance of official duty.

SEC. 21. All grants and commissions shall be in the name and by the authority of the State of Utah, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 22. There shall be a seal of the State, which shall be kept by the Secretary of State, and used by him officially. Said seal shall be called "The Great Seal of the State of Utah." The present seal of the Territory of Utah shall be the seal of the State until otherwise provided by law.

SEC. 23. No person, while holding any office under the United States' government, shall hold any office under the State government of Utah, and the Governor shall not be eligible for election to the Senate of the United States during the term for which he shall have been elected Governor.

ARTICLE VIII.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a supreme court, in district courts, in justices of the peace, and such other courts inferior to the Supreme Court as may be established by law.

SEC. 2. The Supreme Court shall consist of three judges; but after the year A. D. 1905, the Legislature may increase the number thereof to five. A majority of the judges constituting the court shall be necessary to form a quorum or render a decision. If a justice of the Supreme Court shall be disqualified from sitting in a cause before said court, the remaining judges shall call a district judge to sit with them on the hearing of such cause. The Judges of the Supreme Court shall be elected by the electors of the State at large. The term of office of the Judges of the Supreme Court, excepting as in this article otherwise provided, shall be six years. The Judges of the Supreme Court, immediately after the first election under this Constitution, shall be selected by lot, so that one shall hold office for the term of three years, one for the term of five years, and one for the term of seven years. The lots shall be drawn by the Judges of the Supreme Court, who, for that purpose, shall assemble at the seat of government; and they shall cause the result thereof to be certified by the Secretary of State, and filed in his office. The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice, and shall preside at all terms of the Supreme Court, and in case of his absence, the judge, having in like manner, the next shortest term, shall preside in his stead.

SEC. 3. Every Judge of the Supreme Court shall be at least thirty years of age, and, before his election, shall be a member of the bar, learned in the law, and a resident of the Territory or State of Utah for five years next preceding his election.

SEC. 4. The Supreme Court shall have original jurisdiction to issue writs of mandamus, certiorari, prohibition, quo warranto and habeas corpus. Each of the justices shall have power to issue writs of habeas corpus, to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any district court or judge thereof in the State. In other cases the Supreme Court shall have appellate jurisdiction only, and power to issue writs necessary and proper for the exercise of that jurisdiction. The Supreme Court shall hold at least three terms every year, and shall sit at the capital of the State.

SEC. 5. The State shall be divided into seven judicial districts, for each of which, at least one, and not exceeding three judges, shall be chosen by the qualified electors thereof. The term of office of the district judges shall be four years. Except that the District Judges elected at the first election shall

serve until the first Monday in January, A. D. 1901, and until their successors shall have qualified. Until otherwise provided by law, a district court at the county seat of each county shall be held at least four times a year. All civil and criminal business arising in any county, must be tried in such county, unless a change of venue be taken, in such cases as may be provided by law. Each judge of a District Court shall be at least twenty-five years of age, a member of the bar, learned in the law, a resident of the Territory or State of Utah three years next preceding his election, and shall reside in the district for which he shall be elected. Any District Judge may hold a District Court in any county at the request of the judge of the district, and upon request of the Governor, it shall be his duty to do so. Any cause in the District Court may be tried by a judge pro tempore, who must be a member of the bar, sworn to try the cause, and agreed upon by the parties, or their attorneys of record.

SEC. 6. The Legislature may change the limits of any judicial district, or increase or decrease the number of districts, or the judges thereof. No alteration or increase shall have the effect of removing a judge from office. In every additional district established, a judge shall be elected by the electors thereof, and his term of office shall continue as provided in section five of this article.

SEC. 7. The District Court shall have original jurisdiction in all matters civil and criminal, not excepted in this Constitution, and not prohibited by law; appellate jurisdiction from all inferior courts and tribunals, and a supervisory control of the same. The District Courts or any judge thereof, shall have power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, prohibition and other writs necessary to carry into effect their orders, judgments and decrees, and to give them a general control over inferior courts and tribunals within their respective jurisdictions.

SEC. 8. The Legislature shall determine the number of justices of the peace to be elected, and shall fix by law their powers, duties and compensation. The jurisdiction of justices of the peace shall be as now provided by law, but the Legislature may restrict the same.

SEC. 9. From all final judgments of the district courts, there shall be a right of appeal to the Supreme Court. The appeal shall be upon the record made in the court below, and under such regulations as may be provided by law. In equity cases the appeal may be on questions of both law and fact; in cases at law the appeal shall be on questions of law alone. Appeals shall also lie from the final orders and decrees of the Court in the administration of decedent estates, and in cases of guardianship, as shall be provided by law. Appeals shall also lie from the final judgment of justices of the peace in civil and criminal cases to the District Courts on both questions of law and fact, with such limitations and restrictions as shall be provided by law; and the decision of the District Courts on such appeals shall be final, except in cases involving the validity or constitutionality of a statute.

SEC. 10. A County Attorney shall be elected by the qualified voters of each county who shall hold his office for a term of two years. The powers and duties of County Attorneys, and such other attorneys for the State as the Legislature may provide, shall be prescribed by law. In all cases where the attorney for any county, or for the State, fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney pro tempore.

SEC. 11. Judges may be removed from office by the concurrent vote of both houses of the Legislature, each voting separately; but two-thirds of the members to which each house may be entitled must concur in such vote. The vote shall be determined by yeas and nays, and the names of the members voting for or against a judge, together with the cause or causes of removal, shall be entered on the journal of each house. The judge against whom the house may be about to proceed shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least ten days before the day on which either house of the Legislature shall act thereon.

SEC. 12. The judges of the Supreme and District Courts shall receive at stated times compensation for their services, which shall not be increased or diminished during the time for which they are elected.

SEC. 13. Except by consent of all the parties, no judge of the supreme or inferior courts shall preside in the trial of any cause where either of the parties shall be connected with him by affinity or consanguinity within the degree of first cousin, or in which he may have been of counsel, or in the trial of which he may have presided in any inferior court.

SEC. 14. The Supreme Court shall appoint a clerk, and a reporter of its decisions, who shall hold their offices during the pleasure of the Court. Until otherwise provided, County Clerks shall be ex officio clerks of the District Courts in and for their respective counties, and shall perform such other duties as may be provided by law.

SEC. 15. No person related to any judge of any court by affinity or consanguinity within the degree of first cousin, shall be appointed by such court or judge to, or employed by such court or judge in any office or duty in any court of which said judge may be a member.

SEC. 16. Until otherwise provided by law, the Judicial Districts of the State shall be constituted as follows:

First District:—The Counties of Cache, Box Elder and Rich.

Second District:—The Counties of Weber, Morgan and Davis.

Third District:—The Counties of Summit, Salt Lake and Tooele, in which there shall be elected three district judges.

Fourth District:—The Counties of Utah, Wasatch and Uintah.

Fifth District:—The Counties of Juab, Millard, Beaver, Iron and Washington.

Sixth District:—The Counties of Sevier, Piute, Wayne, Garfield and Kane.

Seventh District:—The Counties of San Pete, Carbon, Emery, Grand and San Juan.

SEC. 17. The Supreme and District Courts shall be courts of record, and each shall have a seal.

SEC. 18. The style of all process shall be, "The State of Utah," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 19. There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 20. Until otherwise provided by law, the salaries of supreme and district judges, shall be three thousand dollars per annum, and mileage, payable quarterly out of the State treasury.

SEC. 21. Judges of the Supreme Court, District Courts, and justices of the peace, shall be conservators of the peace, and may hold preliminary examinations in cases of felony.

SEC. 22. District Judges may, at any time, report defects and omissions in the law to the Supreme Court, and the Supreme Court on or before the first day of December of each year, shall report in writing to the Governor any seeming defect or omission in the law.

SEC. 23. The Legislature may provide for the publication of decisions and opinions of the Supreme Court, but all decisions shall be free to publishers.

SEC. 24. The terms of office of Supreme and District Judges may be extended by law, but such extension shall not affect the term for which any judge was elected.

SEC. 25. When a judgment or decree is reversed, modified or affirmed by the Supreme Court, the reasons therefor shall be stated concisely in writing, signed by the judges concurring, filed in the office of the Clerk of the Supreme Court, and preserved with a record of the case. Any judge dissenting therefrom may give the reasons of his dissent in writing over his signature.

SEC. 26. It shall be the duty of the court to prepare a syllabus of all the points adjudicated in each case, which shall be concurred in by a majority of the judges thereof, and it shall be prefixed to the published reports of the case.

SEC. 27. Any judicial officer who shall absent himself from the State or district for more than ninety consecutive days, shall be deemed to have forfeited his office: Provided, That in case of extreme necessity, the Governor may extend the leave of absence to such time as the necessity therefor shall exist.

ARTICLE IX.

CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

SECTION 1. One Representative in the Congress of the United States shall be elected from the State at large on the Tuesday next after the first Monday in November, A. D. 1895, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the State into congressional districts accordingly.

SEC. 2. The Legislature shall provide by law for an enumeration of the inhabitants of the State, A. D. 1905, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives on the basis of such numerationaccording to ratios to be fixed by law.

SEC. 3. The Senate shall consist of eighteen members and the House of Representatives of forty-five members. The Legislature may increase the number of senators and representatives, but the senators shall never exceed thirty in number, and the number of representatives shall never be less than twice nor greater than three times the number of senators.

SEC. 4. When more than one county shall constitute a senatorial district, such counties shall be contiguous, and no county shall be divided in the formation of such districts unless such county contains sufficient population within itself to form two or more districts, nor shall a part of any county be united with any other county in forming any district.

REPRESENTATIVE DISTRICTS.

Until otherwise provided by law, representatives shall be apportioned among the several counties of the State as follows: Provided, That in any future apportionment made by the Legislature, each county shall be entitled to at least one representative.

The County of Box Elder shall constitute the First Representative District, and be entitled to one representative.

The County of Cache shall constitute the Second Representative District, and be entitled to three representatives.

The County of Rich shall constitute the Third Representative District, and be entitled to one representative.

The County of Weber shall constitute the Fourth Representative District, and be entitled to four representatives.

The County of Morgan shall constitute the Fifth Representative District, and be entitled to one representative.

The County of Davis shall constitute the Sixth Representative District, and be entitled to one representative.

The County of Tooele shall constitute the Seventh Representative District, and be entitled to one representative.

The County of Salt Lake shall constitute the Eighth Representative District, and be entitled to ten representatives.

The County of Summit shall constitute the Ninth Representative District, and be entitled to one representative.

The County of Wasatch shall constitute the Tenth Representative District, and be entitled to one representative.

The County of Utah shall constitute the Eleventh Representative District, and be entitled to four representatives.

The County of Uintah shall constitute the Twelfth Representative District, and be entitled to one representative.

The County of Juab shall constitute the Thirteenth Representative District, and be entitled to one representative.

The County of San Pete shall constitute the Fourteenth Representative District, and be entitled to two representatives.

The County of Carbon shall constitute the Fifteenth Representative District, and be entitled to one representative.

The County of Emery shall constitute the Sixteenth Representative District, and be entitled to one representative.

The County of Grand shall constitute the Seventeenth Representative District, and be entitled to one representative.

The County of Sevier shall constitute the Eighteenth Representative District, and be entitled to one representative.

The County of Millard shall constitute the Nineteenth Representative District, and be entitled to one representative.

The County of Beaver shall constitute the Twentieth Representative District, and be entitled to one representative.

The County of Piute shall constitute the Twenty-first Representative District, and be entitled to one representative.

The County of Wayne shall constitute the Twenty-second Representative District, and be entitled to one representative.

The County of Garfield shall constitute the Twenty-third Representative District, and be entitled to one representative.

The County of Iron shall constitute the Twenty-fourth Representative District, and be entitled to one representative.

The County of Washington shall constitute the Twenty-fifth Representative District, and be entitled to one representative.

The County of Kane shall constitute the Twenty-sixth Representative District, and be entitled to one representative.

The County of San Juan shall constitute the Twenty-seventh Representative District, and shall be entitled to one representative.

SENATORIAL DISTRICTS.

Until otherwise provided by law, the Senatorial Districts shall be constituted and numbered as follows:

The Counties of Box Elder and Tooele shall constitute the First District, and be entitled to one senator.

The County of Cache shall constitute the Second District, and be entitled to one Senator.

The Counties of Rich, Morgan and Davis shall constitute the Third District, and be entitled to one Senator.

The County of Weber shall constitute the Fourth District, and be entitled to two Senators.

The Counties of Summit and Wasatch shall constitute the Fifth District, and be entitled to one Senator.

The County of Salt Lake shall constitute the Sixth District, and be entitled to five senators.

The County of Utah shall constitute the Seventh District, and be entitled to two Senators.

The Counties of Juab and Millard shall constitute the Eighth Ditsrict, and be entitled to one Senator.

The County of San Pete shall constitute the Ninth District, and be entitled to one Senator.

The Counties of Sevier, Wayne, Piute, and Garfield shall constitute the Tenth District, and be entitled to one Senator.

The Counties of Beaver, Iron, Washington, and Kane shall constitute the Eleventh District, and be entitled to one Senator.

The Counties of Emery, Carbon, Uintah, Grand, and San Juan shall constitute the Twelfth District, and be entitled to one Senator.

ARTICLE X.

EDUCATION.

SECTION 1. The Legislature shall provide for the establishment and maintenance of a uniform system of public schools, which shall be open to all children of the State and be free from sectarian control.

SEC. 2. The public school system shall include kindergarten schools; common schools, consisting of primary and grammar grades; high schools; an

agricultural college; a university; and such other schools as the Legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law.[3]

SEC. 3. The proceeds of all lands that have been or may be granted by the United States to this State, for the support of the common schools; the proceeds of all property that may accrue to the State by escheat or forfeiture; all unclaimed shares and dividends of any corporation incorporated under the laws of this State; the proceeds of the sale of timber, mineral or other property from school and State lands, other than those granted for specific purposes; and five per centum of the net proceeds of the sale of public lands lying within the State, which shall be sold by the United States, subsequent to the admission of this State into the Union, shall be and remain a perpetual fund, to be called the State School Fund, the interest of which only, together with such other means as the Legislature may provide, shall be distributed among the several school districts according to the school population residing therein. Provided, That all funds derived from any State tax for high schools shall be apportioned among the several cities and school districts according to the attendance at the high schools therein; but no city or district shall be entitled to any part of the fund derived from the State tax for high schools unless the high school therein is maintained upon the standard and for the period during the year that may be fixed by the State Board of Education.[4]

SEC. 4. The location and establishment by existing laws of the University of Utah, and the Agricultural College are hereby confirmed, and all the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto said University and Agricultural College respectively.

SEC. 5. The proceeds of the sale of lands reserved by an Act of Congress approved February 21st, 1855, for the establishment of the University of Utah, and of all the lands granted by an Act of Congress, approved July 16th, 1894, shall constitute permanent funds, to be safely invested and held by the State; and the income thereof shall be used exclusively for the support and maintenance of the different institutions and colleges, respectively, in accordance with the requirements and conditions of said Acts of Congress.

SEC. 6. In cities of the first and second class the public school system shall be controlled by the Board of Education of such cities, separate and apart from the counties in which said cities are located.[5]

SEC. 7. All public School Funds shall be guaranteed by the State against loss or diversion.

SEC. 8. The general control and supervision of the Public School System shall be vested in a State Board of Education, consisting of the Superintendent of Public Instruction, and such other persons as the Legislature may provide.

SEC. 9. Neither the Legislature nor the State Board of Education shall have power to prescribe text books to be used in the common schools.

SEC. 10. Institutions for the deaf, dumb, and for the blind are hereby established. All property belonging to the school for the Deaf and Dumb heretofore connected with the University of Utah, shall be transferred to said Institution for the Deaf and Dumb. All the proceeds of the lands granted by the United States, for the support of a Deaf and Dumb Asylum, and for an Institution for the Blind, shall be a perpetual fund for the maintenance of said institution. It shall be a trust fund, the principal of which shall remain inviolate, guaranteed by the state against loss by diversion.

SEC. 11. The Metric System shall be taught in the public schools of the State.

SEC. 12. Neither religious nor partisan test or qualification shall be re-

[3] Section 2 has been amended twice; the first amendment was proposed by the Legislature of 1905 and was ratified at the election of November 6, 1906; the present amendment was proposed by the legislature of 1909 and was ratified on November 8, 1910.

[4] Amendment proposed by the legislature of 1909 and ratified at the election of November 8, 1910.

[5] Amendment proposed by the legislature of 1899 and ratified on November 6, 1900.

quired of any person, as a condition of admission, as teacher or student, into any public educational institution of the State.

SEC. 13. Neither the Legislature nor any county, city, town, school district or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution, controlled in whole, or in part, by any church, sect or denomination whatever.

ARTICLE XI.

COUNTIES, CITIES AND TOWNS.

SECTION 1. The several counties of the Territory of Utah, existing at the time of the adoption of this Constitution, are hereby recognized as legal subdivisions of this State, and the precincts, and school districts, now existing in said counties, as legal subdivisions thereof, and they shall so continue until changed by law in pursuance of this article.

SEC. 2. No County Seat shall be removed unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and two-thirds of the votes cast on the proposition shall be required to re-locate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. No territory shall be stricken from any county unless a majority of the voters living in such territory, as well as of the county to which it is to be annexed, shall vote therefor, and then only under such conditions as may be prescribed by general law.

SEC. 4. The Legislature shall establish a system of County government, which shall be uniform throughout the State, and by general laws shall provide for precinct and township organizations.

SEC. 5. Corporations for municipal purposes shall not be created by special laws; the Legislature, by general laws, shall provide for the incorporation, organization, and classification of cities and towns in proportion to population; which laws may be altered, amended or repealed.

SEC. 6. No municipal corporation shall directly, or indirectly, lease, sell, alien or dispose of any water-works, water rights, or sources of water supply now, or hereafter to be owned or controlled by it; but all such water-works, water-rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and operated by it for supplying its inhabitants with water at reasonable charges: Provided, That nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water-rights, or sources of water supply for other water-rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the Legislature, and all corporations doing business in this State, may, as to such business, be regulated, limited or restrained by law.

SEC. 2. All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity; and no corporation in existence at the time of the adoption of this Constitution shall have the benefit of future legislation without first filing in the office of the Secretary of State, an acceptance of the provisions of this Constitution.

SEC. 3. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

SEC. 4. The term "Corporation," as used in this article, shall be construed to include all associations, and joint-stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 5. Corporations shall not issue stock, except to bona fide subscribers thereof or their assignee, nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received, or labor done. The stock of corporations shall not be increased, except in pursuance of general law, nor shall any law authorize the increase of stock without the consent of the person or persons holding the larger amount in value of the stock, or without due notice of the proposed increase having previously been given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SEC. 6. No corporations organized outside of this State, shall be allowed to transact business within the State on conditions more favorable than those prescribed by law to similar corporations organized under the laws of this State.

SEC. 7. No corporation shall lease or alienate any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor, or grantor, lessee or grantee, contracted or incurred in operation, use or enjoyment of such franchise or any of its privileges.

SEC. 8. No law shall be passed granting the right to construct and operate a street railroad, telegraph, telephone or electric light plant within any city or incorporated town without the consent of the local authorities who have control of the street or highway proposed to be occupied for such purposes.

SEC. 9. No corporation shall do business in this State, without having one or more places of business, with an authorized agent, or agents, upon whom process may be served; nor without first filing a certified copy of its articles of incorporation with the Secretary of State.

SEC. 10. No corporation shall engage in any business other than that expressly authorized in its charter, or articles of incorporation.

SEC. 11. The exercise of the right of eminent domain shall never be so abridged or construed, as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

SEC. 12. All railroad and other transportation companies are declared to be common carriers, and subject to legislative control; and such companies shall receive and transport each others' passengers and freight, without discrimination or unnecessary delay.

SEC. 13. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

SEC. 14. The rolling stock, and other moveable property belonging to any railroad company or corporation in this State, shall be considered personal property, and shall be liable to taxation and to execution and sale, in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

SEC. 15. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, for correcting abuses, and preventing discrimination and extortion in rates of freight and passenger tariffs by the different railroads, and other common carriers in the State, and shall enforce such laws by adequate penalties.

SEC. 16. No corporation or association shall bring any armed person or bodies of men into this State for the preservation of the peace or the suppression of domestic trouble without authority of law.

SEC. 17. No officer, employee, attorney or agent of any corporation, company or association doing business under, or by virtue of any municipal charter or franchise, shall be eligible to or permitted to hold any municipal office, in the municipality granting such charter or franchise.

SEC. 18. The stockholders in every corporation, and joint stock association for banking purposes, in addition to the amount of capital stock subscribed

and fully paid by them, shall be individually responsible for an additional amount, equal to the amount of their stock in such corporation, for all its debts and liabilities of every kind.

SEC. 19. Every person in this State shall be free to obtain employment whenever possible, and any person, corporation, or agent, servant or employee thereof, maliciously interfering or hindering in any way, any person from obtaining, or enjoying employment already obtained, from any other corporation or person, shall be deemed guilty of a crime. The Legislature shall provide by law for the enforcement of this section.

SEC. 20. Any combination by individuals, corporations, or associations, having for its object or effect the controlling of the price of any products of the soil, or of any article of manufacture or commerce, or the cost of exchange or transportation, is prohibited, and hereby declared unlawful, and against public policy. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, it may declare a forfeiture of their franchise.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. The fiscal year shall begin on the first day of January, unless changed by the Legislature.

SEC. 2. All property in the State, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The word property, as used in this article, is hereby declared to include monies, credits, bonds, stocks, franchises and all matters and things (real, personal and mixed) capable of private ownership; but this shall not be so construed as to authorize the taxation of the stocks of any company or corporation, when the property of such company or corporation represented by such stocks, has been taxed. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. For the purpose of paying the State debt, if any there be, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest, and principal of such debt, within twenty years from the final passage of the law creating the debt.

SEC. 3. The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the State, according to its value in money, and shall prescribe by general law such regulations as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her or its property; Provided, that a deduction of debits from credits may be authorized:. Provided further, that the property of the United States, of the State, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for either religious worship or charitable purposes, and places of burial not held or used for private or corporate benefit, shall be exempt from taxation. Ditches, canals, reservoirs, pipes and flumes owned and used by individuals or corporations for irrigating lands owned by such individuals or corporations, or the individual members thereof, shall not be separately taxed as long as they shall be owned and used exclusively for such purpose: Provided further, that mortgages upon both real and personal property shall be exempt from taxation: Provided further, that the taxes of the indigent poor may be remitted or abated at such time and in such manner as may be provided by law.[6]

SEC. 4. All mines and mining claims, both placer and rock in place, containing or bearing Gold, Silver, Copper, Lead, Coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor, unless the surface ground, or

[6] Section 3 has been amended twice; the first amendment was proposed by the legislature of 1899 and was ratified on November 6, 1900; the present amendment was proposed by the legislature of 1905 and was ratified on November 6, 1906.

ne part thereof, of such mine or claim, is used for other than mining rposes, and has a separate and independent value for such other purposes; which case said surface ground, or any part thereof, so used for other an mining purposes, shall be taxed at its value for such other purposes, as ovided by law; and all the machinery used in mining, and all property and rface improvements upon or appurtenant to mines and mining claims, which ve a value separate and independent of all such mines or mining claims and net annual proceeds of all mines and mining claims, shall be taxed by State Board of Equalization.[7]

SEC. 5. The Legislature shall not impose taxes for the purpose of any unty, city, town or other municipal corporation, but may, by law, vest in corporate authorities thereof, respectively, the power to assess and collect xes for all purposes of such corporation.

SEC. 6. An accurate statement of the receipts and expenditures of the blic monies, shall be published annually in such manner as the Legislature y provide.

SEC. 7. The rate of taxation on property for state purposes shall never ceed eight mills on each dollar of valuation to be apportioned as follows: t to exceed four and one-half mills on each dollar of valuation for general te purposes; not to exceed three mills on each dollar of valuation for trict school purposes; not to exceed one-half mill on each dollar of valuan for High School purposes; that part of the state tax apportioned to high hool purposes shall constitute a fund to be called the "high school fund" d shall be apportioned to the cities and school districts maintaining high hools in the manner the legislature may provide. And whenever the taxe property within the state shall amount to four hundred million dollars, the shall not exceed five mills on each dollar of valuation; unless a propoon to increase such rate, specifying the rate proposed and the time during ich the same shall be levied, be first submitted to a vote of such of the alified electors of the State as, in the year next preceding such election, shall e paid a property tax assessed to them within the State, and the majority those voting thereon shall vote in favor thereof, in such manner as may provided by law.[8]

SEC. 8. The making of profit out of public monies, or using the same for purpose not authorized by law, by any public officer, shall be deemed a ony, and shall be punished as provided by law, but part of such punisht shall be disqualification to hold public office.

SEC. 9. No appropriation shall be made, or any expenditure authorized by Legislature, whereby the expenditure of the State, during any fiscal year, l exceed the total tax then provided for by law, and applicable for such propriation or expenditure, unless the Legislature making such appropriation, l provide for levying a sufficient tax, not exceeding the rates allowed in tion seven of this article, to pay such appropriation or expenditure within fiscal year. This provision shall not apply to appropriations or expendis to suppress insurrections, defend the State, or assist in defending the ted States in time of war.

SEC. 10. All corporations or persons in this State, or doing business herein, l be subject to taxation for State, County, School, Municipal or other purs, on the real and personal property owned or used by them within the territ l limits of the authority levying the tax.

SEC. 11. Until otherwise provided by law, there shall be a State Board Equalization, consisting of the Governor, State Auditor, State Treasurer, retary of State and Attorney-General; also, in each county of this State, unty Board of Equalization, consisting of the Board of County Commisers of said county. The duty of the State Board of Equalization shall o adjust and equalize the valuation of the real and personal property ng the several counties of the State. The duty of the County Board of

[7] Amendment proposed by the legislature of 1907 and ratified on November 3, [illegible]

[8] Amendment proposed by the legislature of 1909 and ratified at the election of mber 8, 1910.

Equalization shall be to adjust and equalize the valuation of the real an personal property within their respective counties. Each Board shall als perform such other duties as may be prescribed by law.

SEC. 12. Nothing in this Constitution shall be construed to prevent th Legislature from providing a stamp tax, or a tax based on income, occup tion, licenses or franchises.[9]

ARTICLE XIV.

PUBLIC DEBT.

SECTION 1. To meet casual deficits or failures in revenue, and for nece sary expenditures for public purposes, including the erection of public buil ings, and for the payment of all Territorial indebtedness assumed by th State, the State may contract debts, not exceeding in the aggregate at an one time, an amount equal to one and one-half per centum of the value o the taxable property of the State, as shown by the last assessment for Sta purposes, previous to the incurring of such intebtedness. But the State sha never contract any indebtedness, except as in the next Section provided, i excess of such amount, and all moneys arising from loans herein authorize shall be applied solely to the purposes for which they were obtained.[10]

SEC. 2. The State may contract debts to repel invasion, suppress insu rection, or to defend the State in war, but the money arising from the co tracting of such debts shall be applied solely to the purpose for which it wa obtained.

SEC. 3. No debt in excess of the taxes for the current year shall b created by any county or subdivision thereof, or by any school district therei or by any city, town or village, or any subdivision thereof in this State unless the proposition to create such debt, shall have been submitted to vote of such qualified electors as shall have paid a property tax therein, the year preceding such election, and a majority of those voting thereon sha have voted in favor of incurring such debt.

SEC. 4. When authorized to create indebtedness as provided in Section of this Article, no county shall become indebted to an amount, includi existing indebtedness, exceeding two per centum. No city, town, school di trict or other municipal corporation, shall become indebted to an amount, i cluding existing indebtedness, exceeding four per centum of the value of th taxable property therein, the value to be ascertained by the last assessme for State and County purposes, previous to the incurring of such indebtednes except that in incorporated cities the assessment shall be taken from the la assessment for city purposes; provided, that no part of the indebtedne allowed in this section shall be incurred for other than strictly county, cit town or school district purposes; provided further, that any city of the fir and second class when authorized as provided in Section three of this artic may be allowed to incur a larger indebtedness, not to exceed four per ce tum, and any city of the third class, or town, not to exceed eight per centu additional, for supplying such city or town with water, artificial lights sewers, when the works for supplying such water, lights and sewers, sha be owned and controlled by the municipality.[11]

SEC. 5. All monies borrowed by, or on behalf of the State or any leg subdivision thereof, shall be used solely for the purpose specified in the l authorizing the loan.

SEC. 6. The State shall not assume the debt, or any part thereof, of a county, city, town or school district.

SEC. 7. Nothing in this article shall be so construed as to impair or a to the obligation of any debt heretofore contracted, in accordance with t laws of Utah Territory, by any county, city, town or school district, or prevent the contracting of any debt, or the issuing of bonds therefor.

[9] Amendment proposed by the legislature of 1905 and ratified on November 6, 19
[10] Amendment proposed by the legislature of 1909 and ratified at the election November 8, 1910.
[11] Amendment proposed by the legislature of 1909 and ratified at the election November 8, 1910.

cordance with said laws, upon any proposition for that purpose, which, according to said laws, may have been submitted to a vote of the qualified electors any county, city, town or school district before the day on which this nstitution takes effect.

ARTICLE XV.

MILITIA.

SECTION 1. The militia shall consist of all able-bodied male inhabitants the State, between the ages of eighteen and forty-five years, except such are exempted by law.

SEC. 2. The Legislature shall provide by law for the organization, equipnt and discipline of the militia, which shall conform as nearly as practicable the regulations for the government of the armies of the United States.

ARTICLE XVI.

LABOR.

SECTION 1. The rights of labor shall have just protection through laws culated to promote the industrial welfare of the State.

SEC. 2. The Legislature shall provide by law, for a Board of Labor, nciliation and Arbitration, which shall fairly represent the interests of both pital and labor. The Board shall perform duties, and receive compensan as prescribed by law.

SEC. 3. The Legislature shall prohibit:

(1) The employment of women, or of children under the age of fourn years, in underground mines.

(2) The contracting of convict labor.

(3) The labor of convicts outside prison grounds, except on public works der the direct control of the State.

(4) The political and commercial control of employees.

SEC. 4. The exchange of black-lists by railroad companies, or other corations, associations or persons is prohibited.

SEC. 5. The right of action to recover damages for injuries resulting in th, shall never be abrogated, and the amount recoverable shall not be ject to any statutory limitation.

SEC. 6. Eight hours shall constitute a day's work on all works or undertings carried on or aided by the State, County or Municipal governments; the Legislature shall pass laws to provide for the health and safety of ployees in factories, smelters and mines.

SEC. 7. The Legislature, by appropriate legislation, shall provide for the orcement of the provisions of this article.

ARTICLE XVII.

WATER RIGHTS.

SECTION 1. All existing rights to the use of any of the waters in this te, for any useful or beneficial purpose, are hereby recognized and conrmed.

ARTICLE XVIII.

FORESTRY.

SECTION 1. The Legislature shall enact laws to prevent the destruction and to preserve the Forests on the lands of the State, and upon any part the public domain, the control of which may be conferred by Congress upon State.

ARTICLE XIX.

PUBLIC BUILDINGS AND STATE INSTITUTIONS.

SECTION 1. All Institutions and other property of the Territory, upon the ption of this Constitution, shall become the Institutions and property of State of Utah.

SEC. 2. Reformatory and Penal institutions, and those for the benefit o the Insane, Blind, Deaf and Dumb, and such other institutions as the publi good may require, shall be established and supported by the State in suc manner, and under such boards of control as may be prescribed by law.

SEC. 3. The Public Institutions of the State are hereby permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States, in the Act of Congress, approved July 16th 1894, to be disposed of and used in such manner as the Legislature may pro vide:

First:—The Seat of Government and the State Fair at Salt Lake City and the State Prison in the County of Salt Lake.

Second:—The Institutions for the Deaf and Dumb, and the Blind, and th State Reform School at Ogden City, in the County of Weber.

Third:—The State Insane Asylum at Provo City, in the County of Utah.

ARTICLE XX.

PUBLIC LANDS.

SECTION 1. All lands of the State that have been, or may hereafter b granted to the State by Congress, and all lands acquired by gifts, grant o devise, from any person or corporation, or that may otherwise be acquired are hereby accepted, and declared to be the public lands of the State; an shall be held in trust for the people, to be disposed of as may be provide by law, for the respective purposes for which they have been or may b granted, donated, devised or otherwise acquired.

ARTICLE XXI.

SALARIES.

SECTION 1. All State, district, city, county, town and school officers, ex cepting notaries public, boards of arbitration, court commissioners, justice of the peace and constables, shall be paid fixed and definite salaries: Pro vided, That city justices may be paid by salary when so determined by th mayor and counsel of such cities.

SEC. 2. The Legislature shall provide by law, the fees which shall b collected by all officers within the State. Notaries public, boards of arbitra tion, court commissioners, justices of the peace, and constables paid by fees shall accept said fees as their full compensation. But all other State, dis trict, county, city, town and school officers, shall be required by law to kee a true and correct account of all fees collected by them, and to pay th same into the proper treasury, and the officer whose duty it is to collec such fees shall be held responsible under his bond for the same.

ARTICLE XXII.

MISCELLANEOUS.

SECTION 1. The Legislature shall provide by law for the selection b each head of a family, and exemption of a homestead, which may consist o one or more parcels of lands, together with the appurtenances and improve ments thereon of the value of at least fifteen hundred dollars from sale o execution.

SEC. 2. Real and personal estate of every female, acquired before marriage and all property to which she may afterwards become entitled by purchase gift, grant, inheritance or devise, shall be and remain the estate and propert of such female, and shall not be liable for the debts, obligations or engage ments of her husband, and may be conveyed, devised or bequeathed by he as if she were unmarried.

ARTICLE XXIII.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may b proposed in either house of the Legislature, and if two-thirds of all the mem bers elected to each of the two houses, shall vote in favor thereof, such pro

osed amendment or amendments shall be entered on their respective journals ith the yeas and nays taken thereon; and the Legislature shall cause the ame to be published in at least one newspaper in every county of the State, here a newspaper is published, for two months immediately preceding the ext general election, at which time the said amendment or amendments shall submitted to the electors of the State, for their approval or rejection, and a majority of the electors voting thereon shall approve the same, such endment or amendments shall become part of this Constitution. If two more amendments are proposed, they shall be so submitted as to enable e electors to vote on each of them separately.

SEC. 2. Whenever two-thirds of the members, elected to each branch of e Legislature, shall deem it necessary to call a convention to revise or end this Constitution, they shall recommend to the electors to vote at the ext general election, for or against a convention, and, if a majority of all e electors voting at such election, shall vote for a convention, the Legisla- re, at its next session, shall provide by law for calling the same. The nvention shall consist of not less than the number of members in both anches of the Legislature.

SEC. 3. No Constitution, or amendments adopted by such Convention, shall ve validity until submitted to, and adopted by, a majority of the electors the State voting at the next general election.

ARTICLE XXIV.

SCHEDULE.

SECTION 1. In order that no inconvenience may arise, by reason of the ange from a Territorial to a State Government, it is hereby declared that writs, actions, prosecutions, judgments, claims and contracts, as well of lividuals as of bodies corporate, both public and private, shall continue as no change had taken place; and all process which may issue, under the thority of the Territory of Utah, previous to its admission into the Union, ll be as valid as if issued in the name of the State of Utah.

SEC. 2. All laws of the Territory of Utah now in force, not repugnant this Constitution, shall remain in force until they expire by their own itations, or are altered or repealed by the Legislature. The act of the vernor and Legislative Assembly of the Territory of Utah, entitled "An to punish polygamy and other kindred offenses," approved February 4th, D. 1892, in so far as the same defines and imposes penalties for polyg- y, is hereby declared to be in force in the State of Utah.

SEC. 3. Any person, who, at the time of the admission of the State into Union, may be confined under lawful commitment, or otherwise lawfully d to answer for alleged violation of any of the criminal laws of the Terri- y of Utah, shall continue to be so held or confined, until discharged refrom by the proper courts of the State.

SEC. 4. All fines, penalties and forfeitures accruing to the Territory of h, or to the people of the United States in the Territory of Utah, shall inure this State, and all debts, liabilities and obligations of said Territory shall be id against the State, and enforced as may be provided by law.

SEC. 5. All recognizances heretofore taken, or which may be taken before change from a Territorial to a State Government, shall remain valid, and ll pass to and be prosecuted in the name of the State; and all bonds cuted to the Governor of the Territory, or to any other officer or court his or their official capacity, or to any official board for the benefit of Territory of Utah, or the people thereof, shall pass to the Governor or er officer, court or board, and his or their successors in office, for the s therein, respectively expressed, and may be sued on, and recovery had rdingly. Assessed taxes, and all revenue, property, real, personal or ed, and all judgments, bonds, specialties, choses in action, claims and debts, whatsoever description; and all records and public archives of the Territory Utah, shall issue and vest in the State of Utah, and may be sued for recovered, in the same manner, and to the same extent by the State

of Utah, as the same could have been by the Territory of Utah; and all fines, taxes, penalties and forfeitures, due or owing to any county, municipality or school district therein, at the time the State shall be admitted into the Union, are hereby respectively assigned and transferred, and the same shall be payable to the county, municipality or school district, as the case may be, and payment thereof be enforced under the laws of the State.

SEC. 6. All criminal prosecutions, and penal actions, which may have arisen, or which may arise before the change from a Territorial to a State Government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State, and in the court having jurisdiction thereof. All offenses committed against the laws of the Territory of Utah before the change from a Territorial to a State Government, and which shall not have been prosecuted before such change, may be prosecuted in the name and by the authority of the State of Utah, with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted.

SEC. 7. All actions, cases, proceedings and matters, pending in the Supreme and District Courts of the Territory of Utah, at the time the State shall be admitted into the Union, and all files, records and indictments relating thereto, except as otherwise provided herein, shall be appropriately transferred to the Supreme and District Courts of the State respectively; and thereafter all such actions, matters and cases, shall be proceeded with in the proper State courts. All actions, cases, proceedings and matters which shall be pending in the District Courts of the Territory of Utah, at the time of the admission of the State into the Union, whereof the United States Circuit or District Courts might have had jurisdiction had there been a State Government at the time of the commencement thereof respectively, shall be transferred to the proper United States Circuit and District Courts respectively, and all files, records, indictments and proceedings relating thereto, shall be transferred to said United States Courts: Provided, That no civil actions other than causes and proceedings of which the said United States Courts shall have exclusive jurisdiction, shall be transferred to either of said United States Courts except upon motion or petition by one of the parties thereto made under and in accordance with the act or acts of the Congress of the United States, and such motion and petition not being made, all such cases shall be proceeded with in the proper State Courts.

SEC. 8. Upon a change from Territorial to State Government, the seal in use by the Supreme Court of the Territory of Utah, until otherwise provided by law, shall pass to and become the Seal of the Supreme Court of the State, and the several District Courts of the State may adopt seals for their respective courts, until otherwise provided by law.

SEC. 9. When the State is admitted into the Union, and the District Courts in the respective districts are organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, upon the expiration of the term of office of the Probate Judge, on the second Monday in January, 1896, shall pass into the jurisdiction and possession of the District Court, which shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the Territorial Probate Court might have done, if the Constitution had not been adopted. And until the expiration of the term of office of the Probate Judges, such Probate Judges shall perform the duties now imposed upon them by the laws of the Territory. The District Courts shall have appellate and revisory jurisdiction over the decisions of the Probate Courts as now provided by law, until such latter courts expire by limitation.

SEC. 10. All officers, civil and military, now holding their offices and appointments in this Territory by authority of law, shall continue to hold and exercise their respective offices and appointments, until superseded under the Constitution: Provided, That the provisions of this section shall be subject to the provisions of the Act of Congress, providing for the admission of the State of Utah, approved by the President of the United States on July 16th, 1894.

SEC. 11. The election for the adoption or rejection of this Constitution, nd for State Officers herein provided for, shall be held on the Tuesday next fter the first Monday in November, 1895, and shall be conducted according o the laws of the Territory, and the provisions of the Enabling Act; the otes cast at said election shall be canvassed, and returns made, in the same anner as was provided for in the election for delegates to the Constitu- onal Convention.

Provided, That all male citizens of the United States, over the age of wenty-one years, who have resided in this Territory, for one year next prior o such election, are hereby authorized to vote for or against the adoption f this Constitution, and for the State Officers herein provided for. The eturns of said election shall be made to the Utah Commission, who shall ause the same to be canvassed, and shall certify the result of the vote for r against the Constitution, to the President of the United States, in the anner required by the Enabling Act; and said Commission shall issue cer- ificates of election to the persons elected to said offices severally, and shall ake and file with the Secretary of the Territory, an abstract, certified to y them, of the number of votes cast for each person for each of said offices, nd of the total number of votes cast in each county.

SEC. 12. The State Officers to be voted for at the time of the adoption f this Constitution, shall be a Governor, Secretary of State, State Auditor, tate Treasurer, Attorney-General, Superintendent of Public Instruction, mem- ers of the Senate and House of Representatives, three Supreme Judges, nine istrict Judges and a Representative to Congress.

SEC. 13. In case of a contest of election between candidates, at the first eneral election under this Constitution, for Judges of the District Courts, e evidence shall be taken in the manner prescribed by the Territorial laws, nd the testimony so taken shall be certified to the Secretary of State, and id officer, together with the Governor and the Treasurer of the State, shall eview the evidence, and determine who is entitled to the certificate of election.

SEC. 14. This Constitution shall be submitted for adoption or rejection, a vote of the qualified electors of the proposed State, at the general election be held on the Tuesday next after the first Monday in November, A. D. 95. At the said election the ballot shall be in the following form:

"For the Constitution." Yes. No.

As a heading to each of said ballots there shall be printed on each ballot e following Instructions to Voters:

All persons desiring to vote for the Constitution must erase the word o."

All persons desiring to vote against this Constitution must erase the word es."

SEC. 15. The Legislature, at its first session, shall provide for the election all officers, whose election is not provided for elsewhere in this Constitu- on, and fix the time for the commencement and duration of their terms.

SEC. 16. The provisions of this Constitution shall be in force from the y on which the President of the United States shall issue his proclamation, eclaring the State of Utah admitted into the Union; and the terms of all icers elected at the first election under the provisions of this Constitution, all commence on the first Monday, next succeeding the issue of said proclama- on. Their terms of office shall expire when their successors are elected d qualified under this Constitution.

Done in Convention at Salt Lake City, in the Territory of Utah, this ghth day of May, in the year of our Lord one thousand eight hundred and nety-five, and of the Independence of the United States the one hundred d nineteenth.

JOHN HENRY SMITH, *President*.

Attest:

RLEY P. CHRISTENSEN, *Secretary*.

CONSTITUTION OF VERMONT —1793 AND 1913.*

CHAPTER I.

A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

ARTICLE 1. That all men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety: therefore no male person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave, or apprentice, after he arrives to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like.

ART. 2. That private property ought to be subservient to public uses when necessity requires it, nevertheless, whenever any person's property is taken for the use of the public, the owner ought to receive an equivalent in money.

ART. 3. That all men have a natural and unalienable right to worship Almighty God, according to the dictates of their own consciences and understandings, as in their opinion shall be regulated by the word of God; and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculia[r] mode of religious worship; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere with, or in any manner control the rights of conscience, in the free exercise of religious worship. Nevertheless, every sect or denomi-

* The convention which framed the first constitution of Vermont assembled at Windsor on July 2 and adjourned on July 8, 1777, after having composed and unanimously agreed upon a constitution. This constitution was not submitted to the electors for ratification, but was affirmed by the legislature at its sessions of 1779 and 1782. The constitution of 1777 provided that a council of censors, consisting of thirteen persons, should be chosen in 1785 and every seven years thereafter to inquire whether the constitution had been preserved inviolate in every part, to see whether the various agencies of government had performed their duties with due vigilance, to propose amendments to the constitution and to call a constitutional convention. In accordance with this provision, the first council of censors met in 1785, proposed many amendments to the constitution, and called a convention, which assembled at Manchester on June 29, and adjourned on July 4, 1786, after having promulgated a constitution which was affirmed by the legislature of March, 1787. By an act approved March 2, 1791, Vermont was admitted to the Union. The second council of censors met in 1792 and convoked a convention, which assembled at Windsor on July 3, and adjourned on July 9, 1793, after having promulgated a constitution. This constitution, as established on July 9, 1793, and amended in 1828, 1836, 1850, 1870, 1883 and 1913, is still in force. Chapter I, known as the Bill of Rights, has never been amended since its adoption on July 9, 1793; Chapter II, known as the Plan or Frame of Government, has been amended repeatedly on the dates designated above. The third and fourth council of censors, which met in 1799 and 1806, respectively, declined to recommend any alterations in the constitution or to summon a convention. The fifth council of censors, which assembled in 1813, proposed 28 amendments, all of which were rejected by the convention which met on July 7, 1814. The sixth council of censors met in 1820 and recommended five amendments, all of which were rejected by the convention which they convoked. The seventh council of censors met in 1827 and proposed three articles of amendment, two of which were rejected and one adopted by the convention which met on June 26, 1828. The eighth council of censors assembled in 1834 and proposed 20 articles of amendment, of which 12 were ratified and 8 rejected on January 14, 1836, by a convention called by the council. The ninth council of censors met in 1841 and proposed 10 amendments, all of which were rejected by the convention which met to consider them on January 4, 1843. The tenth council of censors met in 1848 and proposed 15 amendments and a convention assembled on January 2, 1850, to consider them; of the 15, 10 were adopted and 5 were rejected. The eleventh council of censors met in 1855 and proposed 19 amendments. The

ition of christians ought to observe the sabbath or Lord's day, and keep some sort of religious worship, which to them shall seem most agreeable the revealed will of God.

ART. 4. Every person within this state ought to find a certain remedy, having recourse to the laws, for all injuries or wrongs which he may ceive in his person, property or character; he ought to obtain right and stice, freely, and without being obliged to purchase it; completly and ithout any denial; promptly and without delay; conformably to the laws.

ART. 5. That the people of this state by their legal representatives, have e sole, inherent, and exclusive right of governing and regulating the internal olice of the same.

ART. 6. That all power being originally inherent in and co[n]sequently rived from the people, therefore, all officers of government, whether legisative or executive, are their trustees and servants; and at all times, in a gal way, accountable to them.

ART. 7. That government is, or ought to be, instituted for the common nefit, protection, and security of the people, nation, or community, and not r the particular emolument or advantage of any single man, family, or t of men, who are a part only of that community; and that the community ith an indubitable, unalienable, and indefeasible right, to reform or alter vernment, in such manner as shall be, by that community, judged most nducive to the public weal.

ART. 8. That all elections ought to be free and without corruption, and at all freemen, having a sufficient, evident, common interest with, attachnt to the community, have a right to elect officers, and be elected into fice, agreeably to the regulations made in this constitution.

ART. 9. That every member of society hath a right to be protected in e enjoyment of life, liberty, and property, and therefore is bound to conibute his proportion towards the expence of that protection, and yield his rsonal service, when necessary, or an equivalent thereto, but no part of y person's property can be justly taken from him, or applied to public es, without his own consent, or that of the Representative Body of the

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vention which assembled to consider these proposed amendments met on January 1857, and rejected all of the proposals. The twelfth council of censors met in 2 and made no proposals and no convention was held. The thirteenth council of sors met in 1869 and proposed six amendments and one contingent amendment. convention met on June 8, 1870, and adopted three of these amendments, including the contingent amendment, and rejected four. By virtue of one of the amendnts adopted in 1870, the council of censors was abolished and the present method amending the constitution by legislative initiative and reference to the electors s adopted. In 1880, twenty-three amendments were proposed by the legislature d two were adopted; in 1890, nine amendments were proposed and none was opted; in 1900, four amendments were proposed and none was adopted; in 1910, en amendments were proposed and eight were adopted. By an amendment ratified the freemen on March 4, 1913 (Section 70, of Chapter II), the justices of the reme court were directed to revise Chapter II of the constitution by incorporating rein "all amendments * * * that are now or may be then in force and excludtherefrom all sections, clauses and words not in force and rearranging and renumbing the sections thereof under appropriate titles as in their judgment may be most ical and convenient." In accordance with these instructions, the justices certified revision of Chapter II of the constitution to the secretary of state on September 1913.

Article of Amendment No. 1 was proposed by the council of censors in 1827, and pted by the convention on June 27, 1828.

Articles of Amendment Nos. 2-13, inclusive, were proposed by the council of sors in 1834 and adopted by the convention on June 14, 1836.

Articles of Amendment Nos. 14-23, inclusive, were proposed by the council of sors in 1848, and adopted by the convention which met on January 2, 1850.

Articles of Amendment Nos. 24-26, inclusive, were proposed by the council of sors in 1869, and adopted by the convention which met on June [illegible] 1870.

Articles of Amendment Nos. 27 and 28 were proposed by legisla ted on March 6, 1883.

Proposal No. 6 was made by the senate on December 7, 1910, house on January 11, 1911, concurred in by the senate on Decemi ed in by the house on January 23, 1913, ratified on March 4, 191 pted on April 8, 1913. The changes effected by this proposal are 28, 42, 43, 44 and 50 as revised.

freeman, nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law but such as they have in like manner assented to, for their common good; and previous to any law being made to raise a tax, the purpose for which it is to be raised ought to appear evident to the Legislature to be of more service to community than the money would be if not collected.

ART. 10. That in all prosecutions for criminal offenses, a person hath a right to be heard by himself and his counsel; to demand the cause and nature of his accusation; to be confronted with the witnesses; to call for evidence in his favor, and a speedy public trial by an impartial jury of the country; without the unanimous consent of which jury, he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any person be justly deprived of his liberty, except by the laws of the land or the judgment of his peers.

ART. 11. That the people have a right to hold themselves, their houses, papers, and possessions, free from search or seizure; and therefore warrants without oath or affirmation first made, affording sufficient foundation for them, and whereby any officer or messenger may be commanded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

ART. 12. That when any issue in fact, proper for the cognizance of a jury is joined in a court of law, the parties have a right to trial by jury, which ought to be held sacred.

ART. 13. That the people have a right to freedom of speech, and of writing and publishing their sentiments, concerning the transactions of government, and therefore the freedom of the press ought not to be restrained.

ART. 14. The freedom of deliberation, speech, and debate, in the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

ART. 15. The power of suspending laws, or the execution of laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases, as this constitution, or the Legislature shall provide for.

ART. 16. That the people have a right to bear arms for the defence of themselves and the State—and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to and governed by the civil power.

ART. 17. That no person in this state can in any case be subjected to law martial, or to any penalties or pains by virtue of that law, except those employed in the army, and the militia in actual service.

ART. 18. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free; the people ought, therefore, to pay particular attention to these points in the choice of officers and representatives, and have a right, in a legal way, to exact a due and constant regard to them, from their legislators and magistrates, in making and executing such laws are are necessary for the good government of the State.

ART. 19. That all people have a natural and inherent right to emigrate from one state to another that will receive them.

ART. 20. That the people have a right to assemble together to consult for their common good—to instruct their Representatives—and to apply to the Legislature for redress of grievances, by address, petition or remonstrance.

ART. 21. That no person shall be liable to be transported out of the state for trial for any offense committed within the same.

'LAN OR FRAME OF GOVERNMENT—DELEGATION AND DISTRIBUTION OF POWERS.

SECTION 1. The Commonwealth or State of Vermont shall be governed a Governor (or Lieutenant-Governor), a Senate and a House of Repreitatives of the freemen of the same, in manner and form following.[1]

SEC. 2. The Supreme Legislative power shall be exercised by a Senate l a House of Representatives.[2]

SEC. 3. The Supreme Executive power shall be exercised by a Governor, in his absence, a Lieutenant-Governor.[3]

SEC. 4. Courts of Justice shall be maintained in every county in this ite, and also in new counties when formed.

SEC. 5. The Legislative, Executive, and Judiciary departments, shall be parate and distinct, so that neither exercise the powers properly belonging the others.

LEGISLATIVE DEPARTMENT.

SEC. 6. The Senate and the House of Representatives shall be styled, The neral Assembly of the State of Vermont. Each shall have and exercise the e powers in all acts of legislation; and no bill, resolution, or other thing, ich shall have been passed by the one, shall have the effect of, or be dered to be, a law, without the concurrence of the other. Provided, That all venue bills shall originate in the House of Representatives; but the Senate y propose or concur in amendments, as on other bills. Neither House during session of the General Assembly, shall, without the consent of the other, journ for more than three days, nor to any other place than that in which two Houses shall be sitting; and in case of disagreement between the Houses with respect to adjournment, the Governor may adjourn them to h time as he shall think proper. They may prepare bills and enact them o laws, redress grievances, grant charters of incorporation, subject to the ovisions of section 65, constitute towns, boroughs, cities and counties; and y shall have all other powers necessary for the Legislature of a free and vereign State; but they shall have no power to add to, alter, abolish, or tringe any part of this Constitution.[4]

SEC. 7. The General Assembly shall meet biennially on the first Wednesy next after the first Monday of January, beginning in A. D. 1915.[5]

SEC. 8. The doors of the House in which the General Assembly of this mmonwealth shall sit, shall be open for the admission of all persons who nave decently, except only when the welfare of the State may require em to be shut.

SEC. 9. The votes and proceedings of the General Assembly shall be printed hen one-third of the members of either House think it necessary) as soon convenient after the end of the session, with the yeas and nays of the use of Representatives on any question when required by five members, and the Senate when required by one Senator (except where the votes shall be ken by ballot), in which case every member of either House shall have a ht to insert the reasons of his vote upon the minutes.[6]

SEC. 10. The style of the laws of this State shall be, "It is hereby enacted the General Assembly of the State of Vermont."

SEC. 11. Every bill which shall have passed the Senate and House of presentatives shall, before it becomes a law, be presented to the Governor: he approve, he shall sign it; if not, he shall return it, with his objections writing to the House in which it shall have originated; which shall pro

[1] Amendments Nos. 3 and 8, 1836.
[2] Amendment No. 3, 1836.
[3] Amendment No. 8, 1836.
[4] Amendments Nos. 2 and 3, 1836.
[5] Amendment No. 24, Section 1, 1870; and Proposal No. 2 made by the senate December 7, 1910, concurred in by the house on January 11, 1911, concurred in the senate on December 17, 1912, concurred in by the house on January 23, 1913, ified by the electors on March 4, 1913, and proclaimed adopted on April 8, 1913.
[6] Proposal No. 3 made by the senate on December 7, 1910, concurred in by the se on January 11, 1911, concurred in by the senate on December 10, 1912, concurred by the house on January 28, 1913, ratified on March 4, 1913, and proclaimed pted on April 8, 1913

ceed to reconsider it. If, upon such reconsideration, two-thirds of the members present of that House shall pass the bill, it shall, together with the objections, be sent to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of the members present of that House, it shall become a law.[7]

But, in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each House, respectively. If any bill shall not be returned by the Governor, as aforesaid, within five days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it; unless the two Houses by their adjournment within three days after the presentation of such bill shall prevent its return; in which case it shall not become a law.

SEC. 12. No member of the General Assembly shall, directly or indirectly receive any fee or reward, to bring forward or advocate any bill, petition, or other business to be transacted in the Legislature; or advocate any cause, as counsel in either House of legislation, except when employed in behalf of the State.

SEC. 13. In order that the freemen of this State may enjoy the benefit of election as equally as may be, each inhabited town in this State may forever hereafter, hold elections therein and choose each one Representative to represent them in the House of Representatives.

SEC. 14. The Representatives so chosen (a majority of whom shall constitute a quorum for transacting any other business than raising a State tax for which two-thirds of the members elected shall be present) shall meet as required by section 7, and shall be styled the House of Representatives; they shall have power to choose their Speaker, their Clerk, and other necessary officers, sit on their own adjournments subject to the limitations of section 6, judge of the elections and qualifications of their own members; they may expel members, but not for causes known to their constituents antecedent to their election, administer oaths and affirmations in matters depending before them, and impeach state criminals.[8]

SEC. 15. No person shall be elected a Representative until he has resided in this State two years, the last of which shall be in the town for which he is elected.

SEC. 16. The Representatives having met, and chosen their Speaker and Clerk, shall each of them, before they proceed to business, take and subscribe as well the oath or affirmation of allegiance hereinafter directed (except when they shall produce certificates of their having theretofore taken and subscribed the same) as the following oath or affirmation:

You do solemnly swear (or affirm) that as a member of this Assembly, you will not propose, or assent to, any bill, vote or resolution which shall appear to you injurious to the people, nor do nor consent to any act or thing whatever, that shall have a tendency to lessen or abridge the rights and privileges, as declared by the Constitution of this State; but will in all things, conduct yourself as a faithful, honest Representative and guardian of the people, according to the best of your judgment and ability. (In case of an oath) So help you God. (Or in case of an affirmation) Under the pains and penalties of perjury.

SEC. 17. The Representatives having met on the day appointed by law for the commencement of a biennial session of the General Assembly, and chosen their Speaker, and the Senators having met, shall, before they proceed to business, take and subscribe the following oath, in addition to the oath prescribed in the foregoing section:

You do solemnly swear (or affirm) that you did not, the time of your election to this body, and that you do not now, hold an

[7] Amendment No. 11, 1836; Proposal No. 1 made by the senate on December 1910, concurred in by the house on January 11, 1911, concurred in by the senate December 17, 1912, concurred in by the house on January 22, 1913, ratified on March 4, 1913, and proclaimed adopted on April 8, 1913.

[8] Amendment No. 2, 1836.

office of profit or trust under the authority of Congress. So help you God. (Or in case of an affirmation.) Under the pains and penalties of perjury.

The words "office of profit or trust under the authority of Congress" shall be construed to mean any office created directly or indirectly by Congress, and for which emolument is provided from the Treasury of the United States.[9]

SEC. 18. The Senate shall be composed of thirty Senators, to be of the freemen of the county for which they are elected, respectively, who shall have attained the age of thirty years, and they shall be elected biennially by the freemen of each county respectively.

The Senators shall be apportioned to the several counties, according to the population, as ascertained by the census taken under the authority of Congress in the year 1910, regard being always had, in such apportionment, to the counties having the largest fraction, and each county being given at least one Senator.

The Legislature shall make a new apportionment of the Senators to the several counties, after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this State, always regarding the above provisions of this section.[10]

SEC. 19. The Senate shall have the like powers to decide on the election and qualifications of, and to expel any of, its members, make its own rules, and appoint its own officers, as are incident to, or are possessed by, the House of Representatives. A majority shall constitute a quorum. The Lieutenant-Governor shall be President of the Senate, except when he shall exercise the office of Governor, or when his office shall be vacant, or in his absence, in which cases the Senate shall appoint one of its own members to be President of the Senate, pro tempore. And the President of the Senate shall have a casting vote, but no other.[11]

EXECUTIVE DEPARTMENT.

SEC. 20. The Governor, and in his absence, the Lieutenant-Governor, shall have power to commission all officers, and also to appoint officers, except where provision is, or shall be otherwise made by law or this Frame of Government; and shall supply every vacancy in any office, occasioned by death or otherwise, until the office can be filled in the manner directed by law or this Constitution. He is to correspond with other States, transact business with officers of government, civil and military, and prepare such business as may appear to him necessary, to lay before the General Assembly. He shall have power to grant pardons and remit fines in all cases whatsoever, except in treason in which he shall have power to grant reprieves, but not to pardon, until after the end of the next session of the General Assembly; and except in cases of impeachment, in which he shall not grant reprieve or pardon, and there shall be no remission, or mitigation of punishment, but by act of legislation. He is also to take care that the laws be faithfully executed. He is to expedite the execution of such measures as may be resolved upon by the General Assembly. And he may draw upon the Treasury for such sums as may be appropriated by the General Assembly. He may also lay embargoes, or prohibit the exportation of any commodity, for any time not exceeding thirty days, in the recess of the General Assembly only. He may grant such licenses as shall be directed by law; and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be Captain-General and Commander-in-Chief of the forces of the State, but shall not command in person, in time of war, or insurrection, unless by the advice and consent of the Senate, and no longer than they shall approve thereof. And the Lieutenant-Governor shall, by virtue of his office, be Lieutenant-General of all the forces of the State.[12]

SEC. 21. The Governor may have a Secretary of Civil and Military Affairs,

[9] Amendment No. 27, 1883.
[10] Amendments No. 4, 1836, and 23, 1850.
[11] Amendment No. 6, 1836.
[12] Amendment No. 8, 1836.

to be by him appointed during pleasure, whose services he may at all times command; and for whose compensation provision shall be made by law.[13]

SEC. 22. All commissions shall be in the name of The Freemen of the State of Vermont, sealed with the State Seal, signed by the Governor, and in his absence by the Lieutenant-Governor, and attested by the Secretary; which Seal shall be kept by the Governor.

SEC. 23. No person shall be eligible to the office of Governor or Lieutenant-Governor until he shall have resided in this State four years next preceding the day of his election.

SEC. 24. The Legislature shall provide by general law what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant-Governor, occasioned by a failure to elect, or by the removal from office, or by the death or resignation of both Governor and Lieutenant-Governor, or by the inability of both Governor and Lieutenant-Governor to exercise the powers and discharge the duties of the office of Governor; and such officer so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.[14]

SEC. 25. The Treasurer of the State shall, before entering upon the duties of his office, give sufficient security to the Secretary of State, in behalf of the State of Vermont, before the Governor of the State or one of the Justices of the Supreme Court. And Sheriffs and High Bailiffs, before entering upon the duties of their respective offices, shall give sufficient security to the Treasurer of their respective counties, before one of the Justices of the Supreme Court, or the two Assistant Judges of the County Court of their respective counties, in such manner and in such sums as shall be directed by the Legislature.[15]

SEC. 26. The Treasurer's accounts shall be annually audited, and a fair state thereof laid before the General Assembly at its biennial session in January.

SEC. 27. No money shall be drawn out of the Treasury, unless first appropriated by act of legislation.

JUDICIARY DEPARTMENT.

SEC. 28. The Courts of Justice shall be open for the trial of all causes proper for their cognizance; and justice shall be therein impartially administered, without corruption, or unnecessary delay. The Justices of the Supreme Court shall be Justices of the Peace throughout the State; and the several Judges of the County Courts, in their respective counties, by virtue of their office, except in the trial of such causes as may be appealed to the County Court.

SEC. 29. The Legislature may, when they shall conceive the same to be expedient and necessary, erect a Court of Chancery, with such powers as are usually exercised by that Court, or as shall appear for the interest of the Commonwealth.—Provided they do not constitute themselves the Judges of the said Court.

SEC. 30. Trials of issues, proper for the cognizance of a Jury, in the Supreme and County Courts, shall be by Jury, except where parties otherwise agree; and great care ought to be taken to prevent corruption or partiality in the choice and return, or appointment of Juries.

SEC. 31. All prosecutions shall commence, "By the authority of the State of Vermont." All Indictments shall conclude with these words, "against the peace and dignity of the State." And all fines shall be proportioned to the offences.

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[13] Amendment No. 8, 1836.
[14] Amendment No. 21, 1850.
[15] Amendment No. 22, 1850.

SEC. 32. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after his delivering up and assigning over, bona fide, all his estate, real and personal, in possession, reversion or remainder, for the use of his creditors, in such manner as shall be regulated by law. And all prisoners, unless in execution, or committed for capital offences, when the proof is evident or presumption great, shall be bailable by sufficient sureties; nor shall excessive bail be exacted for bailable offences.

SEC. 33. The Writ of Habeas Corpus shall in no case be suspended. It shall be a writ issuable of right; and the General Assembly shall make provision to render it a speedy and effectual remedy in all cases proper therefor.[16]

QUALIFICATIONS OF FREEMEN.

SEC. 34. Every man of the full age of twenty-one years, who is a natural born citizen of this or some one of the United States, or has been naturalized agreeably to the Acts of Congress, having resided in this State for the space of one whole year next before the election of Representatives, and who is of quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State:

You solemnly swear (or affirm) that whenever you give your vote or suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man.[17]

ELECTIONS—OFFICERS—TERMS OF OFFICE.

SEC. 35. The Governor, Lieutenant-Governor, Treasurer, Secretary of State, Auditor of Accounts, Senators, Town Representatives, Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Atorneys, Judges of Probate and Justices of the Peace, shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A. D. 1914.[18]

SEC. 36. The House of Representatives of the freemen of this State, shall consist of persons most noted for wisdom and virtue, to be chosen by ballot, by the freemen of every town in this State, respectively, on the first Tuesday next after the first Monday of November, beginning in A. D. 1914.[19]

SEC. 37. The freemen of the several towns in each county shall, biennially, give their votes for the Senators apportioned to such county, at the same time, and under the same regulations, as are provided for the election of Governor in section 39. And the person or persons, equal to the number of Senators, apportioned to such county, having the greatest number of legal votes in such county respectively, shall be the Senator or Senators of such county. At every election of Senators, after the votes shall have been taken, the Constable or presiding officer, assisted by the Selectmen and civil authority present, shall sort and count the said votes, and make two lists of the names of all persons voted for, with the number of votes given for each annexed to his name, a record of which shall be made in the Town Clerk's office, and shall seal up said lists, separately, and write on each the name of the town, and these words, Votes for Senator, or, Votes for Senators, as the case may be, one of which lists shall be delivered, by the presiding officer, to the representative of said town (if any) and if none be chosen, to the Representative of an adjoining town, to be transmitted to the President of the Senate. The other list, the said presiding officer shall, within ten days, deliver to the Clerk of the County Court for the same county; and the Clerk of each County Court, respectively, or in case of his absence, or disability, the Sheriff of such county, or in case of the absence or disability of both, the High Bailiff of such county, on the tenth day after such election, shall publicly open, sort, and count said votes; and make a record of the same in the office

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[16] Amendment No. 12, 1836.
[17] Amendment No. 1, 1828.
[18] Amendment No. 5, 1836; Nos. 19, 20 and 23, 1850; No. 24, Section 2, 1870; Proposal No. 2, 1913. See Note 5.
[19] Amendment No. 24, Section 1, 1870; Proposal No. 2, 1913. See Note 5.

of the Clerk of such County Court, a copy of which he shall transmit to the Senate; and shall also within ten days thereafter, transmit to the person or persons elected, a certificate of his or their election. Provided, however, that the General Assembly shall have power to regulate by law the mode of balloting for Senators, within the several counties, and to prescribe the means and the manner, by which the result of the balloting shall be ascertained, and through which the Senators chosen shall be certified of their election, and for filling all vacancies in the Senate, which shall happen by death, resignation or otherwise. But they shall not have power to apportion the Senators to the several counties, otherwise than according to the population thereof agreeably to the provisions hereinbefore ordained.[20]

SEC. 38. The term of office of Senators and Town Representatives shall be two years, commencing on the first Wednesday next after the first Monday of January following their election.[21]

SEC. 39. The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the major part of the votes, to be Governor for the two years ensuing. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

If, at any time, there shall be no election, by the freemen, of Governor, Lieutenant-Governor, or Treasurer, of the State, the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.[22]

SEC. 40. The Secretary of State and the Auditor of Accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant-Governor and Treasurer; and the Legislature shall carry this provision into effect by appropriate legislation.[23]

SEC. 41. The term of office of the Governor, Lieutenant-Governor and Treasurer of the State, respectively, shall commence when they shall be chosen and qualified, and shall continue for the term of two years, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.[24]

SEC. 42. The Justices of the Supreme Court and the Judges of the several County Courts (except Assistant Judges of the County Court), Major-General and Brigadier-Generals, shall be elected by the Senate and House of Representatives, in Joint Assembly, at which the presiding officer of the Senate shall preside; and such presiding officer in such Joint Assembly shall have a casting vote, and no other.[25]

SEC. 43. The Joint Assembly may biennially on their first session after their election (or oftener if need be) elect Justices of the Supreme Court and Judges of the several County Courts (except Assistant Judges of the County Courts) and also may elect Major-Generals and Brigadier-Generals, from time to time, as often as there shall be occasion.[26]

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[20] Amendment No. 5, 1836; and No. 24, Section 2, 1870.
[21] Amendment No. 24, Section 4, 1870; Proposal No. 2, 1913. See Note 5.
[22] Amendment No. 9, 1836; and No. 24, Sections 2 and 3, 1870.
[23] Amendment No. 28, 1883.
[24] Amendment No. 21, 1850; and No. 24, Section 3, 1870.
[25] Amendment No. 10, 1836; Nos. 14, 17 and 20, 1850; and No. 24, Sections 2 and 26, 1870.
[26] Amendment No. 10, 1836; No. 14, 1850; No. 24, Section 2, and No. 26, 1870.

SEC. 44. The Justices of the Supreme Court shall be elected biennially, and their term of office shall be two years.[27]

SEC. 45. The Assistant Judges of the County Court, Sheriffs, High Bailiffs, and State's Attorneys shall be elected by the freemen of their respective counties.[28]

SEC. 46. Judges of Probate shall be elected by the freemen of their respective probate districts.[29]

SEC. 27. Justices of the Peace shall be elected by the freemen of their respective towns; and towns having less than one thousand inhabitants may elect any number of Justices of the Peace not exceeding five; towns having one thousand and less than two thousand inhabitants, may elect seven; towns having two thousand and less than three thousand inhabitants, may elect ten; towns having three thousand and less than five thousand inhabitants may elect twelve; and towns having five thousand, or more, inhabitants may elect fifteen Justices of the Peace.[30]

SEC. 48. The term of office of the Assistant Judges of the County Courts, Sheriffs, High Bailiffs, State's Attorneys, Judges of Probate and Justices of the Peace, shall be two years, and shall commence on the first day of February next after their election.[31]

SEC. 49. The election of the several officers mentioned in the preceding section, shall be made at the times and in the manner now directed in the Constitution for the choice of Senators. And the presiding officer of each freemen's meeting, after the votes shall have been taken, sorted and counted, shall, in open meeting, make a certificate of the names of all persons voted for, with the number of votes given for each annexed to his name, and designating the office for which the votes were given, a record of which shall be made in the Town Clerk's office, and he shall seal up said certificate, and shall write thereon the name of the town and the words, Certificate of Votes for and add thereto, in writing, the title of the office voted for, as the case may be, and shall deliver such certificate to some Representative chosen as a member of the General Assembly, whose duty it shall be to cause such certificate of votes to be delivered to the committee of the General Assembly appointed to canvass the same. And at the sitting of the General Assembly, next after such balloting for the officers aforesaid, there shall be a committee appointed of and by the General Assembly, who shall be sworn to the faithful discharge of their duty, and whose duty it shall be to examine such certificates and ascertain the number of votes given for each candidate, and the persons receiving the largest number of votes for the respective offices, shall be declared duly elected, and by such committee be reported to the General Assembly and the officers so elected shall be commissioned by the Governor. And if two or more persons designated for any one of said offices, shall have received an equal number of votes, the General Assembly shall elect one of such persons to such office.[32]

SEC. 50. No person in this State shall be capable of holding or exercising more than one of the following offices at the same time: Governor, Lieutenant-Governor, Justice of the Supreme Court, Treasurer of the State, member of the Senate, member of the House of Representatives, Surveyor-General, or Sheriff. Nor shall any person holding any office of profit or trust under the authority of Congress, be eligible to any appointment in the Legislature, or to any executive or judiciary office under this State.

SEC. 51. All elections, whether by the people or the Legislature, shall be free and voluntary; and any elector who shall receive any gift or reward for his vote, in meat, drink, moneys or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall

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[27] Amendment No. 26, 1870.
[28] Amendments Nos. 14, 15 and 16, 1850.
[29] Amendment No. 17, 1850.
[30] Amendment No. 18, 1850.
[31] Amendments No. 19, 1850; No. 24, Section 5, 1870; and Proposal No. 2, 1913. See Note 5.
[32] Amendments No. 5, 1836; No. 20, 1850; and No. 24, Section 2, 1870.

direct; and any person who shall directly or indirectly give, promise, or bestow, any such rewards to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as the Legislature shall direct.

OATH OF ALLEGIANCE—OATH OF OFFICE.

SEC. 52. Every officer, whether judicial, executive, or military, in authority under this State, before he enters upon the execution of his office, shall take and subscribe the following oath or affirmation of allegiance to this State (unless he shall produce evidence that he has before taken the same), and also the following oath or affirmation of office, except military officers, and such as shall be exempted by the Legislature.

THE OATH OR AFFIRMATION OF ALLEGIANCE.

You do solemnly swear (or affirm) that you will be true and faithful to the State of Vermont, and that you will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

THE OATH OR AFFIRMATION OF OFFICE.

You do solemnly swear (or affirm) that you will faithfully execute the office of for the of and will therein do equal right and justice to all men, to the best of your judgment and ability, according to law. (If an oath) So help you God. (If an affirmation) Under the pains and penalties of perjury.

IMPEACHMENTS.

SEC. 53. The House of Representatives shall have the power to order impeachments, which shall in all cases be by a vote of two-thirds of its members.[33]

SEC. 54. Every officer of State, whether judicial or executive, shall be liable to be impeached by the House of Representatives, either when in office or after his resignation or removal for maladministration.[34]

The Senate shall have the sole power of trying and deciding upon all impeachments. When sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the person convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

MILITIA.

SEC. 55. The inhabitants of this State shall be trained and armed for its defence, under such regulations, restrictions, and exceptions, as Congress, agreeably to the Constitution of the United States, and the Legislature of this State, shall direct. The several companies of Militia shall, as often as vacancies happen, elect their Captain and other officers, and the Captains and Subalterns shall nominate and recommend the field officers of their respective regiments, who shall appoint their staff officers.

GENERAL PROVISIONS.

SEC. 56. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the Legislature, nor to have his sentence upon conviction for felony commuted, remitted, or mitigated by the Legislature.[35]

[33] Amendment No. 25, Section 3, 1870.
[34] Amendments Nos. 7 and 8, 1836.
[35] Proposal No. 4, made by the senate on December 7, 1910, concurred in by the house on January 11, 1911, concurred in by the senate on January 30, 1913, concurred in by the house on January 28, 1913, ratified on March 4, 1913, and proclaimed adopted on April 8, 1913.

SEC. 57. As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade, or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants, and faction, contention and discord among the people. But if any man is called into public service to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office through increase of fees or otherwise, becomes so profitable as to occasion many to apply for it, the profit ought to be lessened by the Legislature. And if any officer shall wittingly and wilfully, take greater fees than the law allows him, it shall ever after disqualify him from holding any office in this State, until he shall be restored by act of legislation.

SEC. 58. All deeds and conveyances of lands shall be recorded in the Town Clerk's office in their respective towns; and, for want thereof, in the County Clerk's office in the same county.

SEC. 59. The Legislature shall regulate entails in such manner as to prevent perpetuities.

SEC. 60. To deter more effectually from the commission of crimes, by continued visible punishments of long duration, and to make sanguinary punishments less necessary, means ought to be provided for punishing by hard labor, those who shall be convicted of crimes not capital, whereby the criminal shall be employed for the benefit of the public, or for the reparation of injuries done to private persons: and all persons at proper times ought to be permitted to see them at their labor.

SEC. 61. The estates of such persons as may destroy their own lives, shall not, for that offence, be forfeited, but shall descend or ascend in the same manner as if such persons had died in a natural way. Nor shall any article which shall accidently occasion the death of any person, be deemed a deodand, or in any wise forfeited on account of such misfortune.

SEC. 62. Every person of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold and transfer land, or other real estate; and after one year's residence shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except the privileges of a freeman, the right to which is herein elsewhere determined, and except also that he shall not be capable of being elected Treasurer, or Representative in Assembly, until after two years' residence, nor be eligible to the office of Governor or Lieutenant-Governor until he shall have resided in this State as required by section 23 of this Constitution.

SEC. 63. The inhabitants of this State have liberty in seasonable times, to hunt and fowl on the lands they hold, and on other lands not inclosed, and in like manner to fish in all boatable and other waters (not private property) under proper regulations, to be made and provided by the General Assembly.

SEC. 64. Laws for the encouragement of virtue and prevention of vice and immorality, ought to be constantly kept in force, and duly executed; and a competent number of schools ought to be maintained in each town, for the convenient instruction of youth; and one or more grammar schools to be incorporated and properly supported, in each county in this State. And all religious societies, or bodies of men that may be united or incorporated for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities, and estates, which they in justice ought to enjoy, under such regulations as the General Assembly of this State shall direct.

SEC. 65. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are to be and remain under the patronage or control of the State; but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created. All general

laws passed pursuant to this section may be altered from time to time or repealed.[36]

SEC. 66. The General Assembly may pass laws compelling compensation for injuries received by employees in the course of their employment resulting in death or bodily hurt, for the benefit of such employees, their widows, or next of kin. It may designate the class or classes of employers and employees to which such laws shall apply.[37]

SEC. 67. The Declaration of the political rights and privileges of the inhabitants of this State, is hereby declared to be a part of the Constitution of this Commonwealth; and ought not to be violated on any pretence whatsoever.

AMENDMENT OF THE CONSTITUTION.

SEC. 68. At the fifth biennial session of the General Assembly of this State following that of A. D. 1910, and at the session thereof every tenth year thereafter, the Senate may, by a vote of two-thirds of its members, make proposals of amendment to the Constitution of the State, which proposals of amendment, if concurred in by a majority of the members of the House of Representatives, shall be entered on the journals of the two Houses, and referred to the General Assembly then next to be chosen, and be published in the principal newspapers of the State; and if a majority of the members of the Senate and of the House of Representatives of the next following General Assembly shall respectively concur in the same proposals of amendment, or any of them, it shall be the duty of the General Assembly to submit the proposals of amendment so concurred in to a direct vote of the freemen of the State; and such of said proposals of amendment as shall receive a majority of the votes of the freemen voting thereon shall become a part of the Constitution of this State.

The General Assembly shall direct the manner of voting by the people upon the proposed amendments, and enact all such laws as shall be necessary to procure a free and fair vote upon each amendment proposed, and to carry into effect all the provisions of this section.[38]

TEMPORARY PROVISIONS.

SEC. 69. The persons severally elected in 1912 to the offices mentioned in section 35 shall hold such offices until the term of their successors elected the first Tuesday next after the first Monday of November, A. D. 1914, shall begin as herein provided.[39]

SEC. 70. The Justices of the Supreme Court are hereby authorized and directed to revise Chapter II of the Constitution by incorporating into said Chapter all amendments of the Constitution that are now or may be then in force and excluding therefrom all sections, clauses and words not in force and rearranging and renumbering the sections thereof under appropriate titles as in their judgment may be most logical and convenient; and said revised Chapter II as certified to the Secretary of State by said Justices or a majority thereof shall be a part of the Constitution of this State in substitution for existing Chapter II and all amendments thereof.[40]

STATE OF VERMONT—CHAMBERS OF THE JUSTICES OF THE SUPREME COURT.

To the Secretary of State:

We hereby certify that the foregoing instrument, divided into seventy sections numbered consecutively, is a revision of Chapter II of the Constitution of

[36] Proposal No. 5, made by the senate on December 7, 1910, concurred in by the house on January 11, 1911, concurred in by the senate on January 21, 1913, concurred in by the house on January 28, 1913, ratified on March 4, 1913, and proclaimed adopted on April 8, 1913.

[37] Proposal No. 7, made by the senate on December 7, 1910, concurred in by the house on January 11, 1911, concurred in by the senate on January 30, 1913, concurred in by the house on February 4, 1913, ratified on March 4, 1913, and proclaimed adopted on April 8, 1913.

[38] Amendment No. 25, Sections 1 and 2, 1870.

[39] Proposal No. 2, 1913. See Note 5.

[40] Proposal No. 8, made by the senate on December 7, 1910, concurred in by the house on January 11, 1911, concurred in by the senate on December 10, 1912, concurred in by the house on January 29 1913, and ratified on March 4, 1913.

his State made by us by virtue of the authority and direction of a constitutional provision in that regard ratified and adopted by the people of this State n the fourth day of March, A. D. 1913, as appears by the Proclamation of the Governor dated the eighth day of April, A. D. 1913.

Done at Montpelier this twenty-ninth day of September, A. D. 1913.

JOHN W. ROWELL, Chief Justice.

LOVELAND MUNSON, JOHN H. WATSON, SENECA HASELTON, GEORGE M. POWERS, Associate Justices.

The following proclamation, issued by the governor on April 8, 1913, gives in full he amendments adopted in 1913:

GOVERNOR'S PROCLAMATION, APRIL 8, 1913.

STATE OF VERMONT—BY THE GOVERNOR.

A PROCLAMATION.

Whereas, The following Articles of Amendment of the Constitution have been submitted to a direct vote of the freemen of the State for their ratification and adoption, as provided by the Constitution and by an act of the General Assembly of 1912, entitled "An act relating to the proposed Articles of Amendment to the Constitution", approved February 10, 1913, to wit:

FIRST ARTICLE OF AMENDMENT.

ARTICLE 11.

Every bill which shall have passed the senate and house of representatives, shall, before it becomes a law, be presented to the governor; if he approve, he shall sign it; if not, he shall return it, with his objections in writing, to the house, in which it shall have originated; which shall proceed to reconsider it. If, upon such reconsideration, two-thirds of the members present of the house shall pass the bill, it shall, together with the objections, be sent to the other house, by which it shall, likewise, be reconsidered, and, if approved by two-thirds of the members present of that house, it shall become a law.

But, in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor, as aforesaid, within five days, (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner, as if he had signed it; unless the two houses, by their adjournment, within three days after the presentment of such bill, shall prevent its return; in which case, it shall not become a law.

SECOND ARTICLE OF AMENDMENT.

ARTICLE 24, SECTIONS 1, 2, 4, 5 AND 6.

SECTION 1. The General Assembly shall meet biennially on the first Wednesday next after the first Monday of January, beginning in A. D. 1915.

SEC. 2. The governor, lieutenant-governor, treasurer, secretary of state, auditor of accounts, senators, town representatives, assistant judges of the county courts, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, shall be elected biennially, on the first Tuesday next after the first Monday of November, beginning in A. D. 1914.

SEC. 4. The term of office of senators and town representatives shall be two years, commencing on the first Wednesday next after the first Monday of January following their election.

SEC. 5. The term of office of the assistant judges of the county court, sheriffs, high bailiffs, state's attorneys, judges of probate and justices of the peace, shall be two years, and shall commence on the first day of February next after their election.

SEC. 6. The persons who shall be severally elected in 1912 to the offices mentioned in this article shall hold such offices until the term of their succes-

sors elected the first Tuesday next after the first Monday of November, A. D. 1914, shall begin as herein provided.

THIRD ARTICLE OF AMENDMENT.

CHAPTER 2, SECTION 14.

The votes and proceedings of the General Assembly shall be printed (when one third of the members of either house think it necessary), as soon as convenient after the end of the session, with the yeas and nays of the house of representatives on any question when required by five members and of the senate when required by one senator, (except where the votes shall be taken by ballot), in which case every member of either house shall have a right to insert the reasons of his vote upon the minutes.

FOURTH ARTICLE OF AMENDMENT.

CHAPTER 2, SECTION 20.

SEC. 20. No person ought in any case, or in any time, to be declared guilty of treason or felony, by the legislature, nor to have his sentence upon conviction for felony commuted, remitted or mitigated by the legislature.

And that Section 11 of Chapter 2 be amended by omitting the words "and murder" where they occur therein.

FIFTH ARTICLE OF AMENDMENT.

ARTICLE 30.

No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal or reformatory corporations as are to be and remain under the patronage or control of the State; but the General Assembly shall provide by general laws for the organization of all corporations hereafter to be created. All general laws passed pursuant to this article may be altered from time to time or repealed.

SIXTH ARTICLE OF AMENDMENT.

ARTICLE 31.

That wherever the words "judge" or "judges" are used in the Constitution of Vermont or amendments thereof, to designate a judge or judges of the supreme court, the words "justice" or "justices" shall be substituted therefor, as the case may require.

SEVENTH ARTICLE OF AMENDMENT.

ARTICLE 32.

The General Assembly may pass laws compelling compensation for injuries received by employees in the course of their employment resulting in death or bodily hurt, for the benefit of such employees, their widows or next of kin. It may designate the class or classes of employers and employees to which such laws shall apply.

EIGHTH ARTICLE OF AMENDMENT.

ARTICLE 33.

That the judges of the supreme court be and are hereby authorized and directed to revise Chapter 2 of the Constitution by incorporating into said Chapter all amendments of the Constitution that are now or may be then in force and excluding therefrom all sections, clauses and words not in force and rearranging and renumbering the sections thereof under appropriate titles as in their judgment may be most logical and convenient; and said revised Chapter 2 as certified to the secretary of state by said judges or a majority thereof

all be a part of the Constitution of this state in substitution for existing
napter 2 and all amendments thereof.

And, Whereas, It appears that each of said Articles of Amendment has been
pproved by a majority of the freemen voting thereon, according to the votes
turned and certified, as required by said act, this day opened and examined
the manner provided therein;

Now, therefore, as directed by section seven of said act, I do hereby make
oclamation that said Articles of Amendment of the Constitution "have been
ly ratified and adopted by the people of this state and have become a part
the Constitution thereof," and "all magistrates and officers, and all citizens of
e state" are hereby required to "take notice thereof and to govern themselves
cordingly."

In witness whereof I have hereunto subscribed my name and caused the
al of the State to be affixed, in Executive Chamber, at Montpelier, the second
uesday, the eighth day of April, A. D. 1913.

[SEAL] By the Governor, GUY W. BAILEY, Secretary of State.

ALLEN M. FLETCHER, Governor.

CONSTITUTION OF VIRGINIA—1902.*

Whereas, pursuant to an act of the General Assembly of Virginia, approved March the fifth, in the year of our Lord nineteen hundred, the question "shall there be a convention to revise the Constitution and amend the same?" was submitted to the electors of the State of Virginia, qualified to vote for members of the General Assembly, at an election held throughout the State on the fourth Thursday in May, in the year nineteen hundred, at which election a majority of the electors so qualified voting at said election did decide in favor of a convention for such purpose; and,

Whereas, the General Assembly at its next session did provide by law for the election of delegates to such convention, in pursuance whereof the members of this convention were elected by the good people of Virginia, to meet in convention for such purpose,

We, therefore, the people of Virginia, so assembled in Convention through our representatives, with gratitude to God for His past favors, and invoking His blessings upon the result of our deliberations, do ordain and establish the following revised and amended Constitution for the government of the Commonwealth.

ARTICLE I.

BILL OF RIGHTS.

A Declaration of Rights, made by the representatives of the good people of Virginia assembled in full and free convention, which rights do pertain to them and their posterity, as the basis and foundation of government.

SECTION 1. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

SEC. 3. That government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and, whenever any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasable right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

SEC. 4. That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

SEC. 5. That the legislative, executive, and judicial departments of the State should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by regular elections, in which all or any part of the former members shall be again eligible, or ineligible, as the laws may direct.

SEC. 6. That all elections ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and cannot be taxed, or deprived of, or damaged in, their property for public uses, without their own consent, or that

*The convention which framed the Constitution of Virginia assembled in Richmond on June 12, 1901, and adjourned on June 26, 1902. The Constitution was not submitted to the electors for ratification; it was proclaimed by the convention on June 6, 1902, and became operative on July 10, 1902. Its validity, called in question because it had not been submitted to the electors for ratification, was upheld by the supreme court of appeals on June 18, 1903, in *Taylor v. Commonwealth*, 101 Va. 829.

of their representatives duly elected, or bound by any law to which they have not, in like manner, assented for the public good.

SEC. 7. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

SEC. 8. That no man shall be deprived of his life, or liberty, except by the law of the land, or the judgment of his peers; nor shall any man be compelled in any criminal proceeding to give evidence against himself, nor be put twice in jeopardy for the same offence, but an appeal may be allowed to the Commonwealth in all prosecutions for the violation of a law relating to the State revenue.

That in all criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty; provided, however, that in any criminal case, upon a plea of guilty, tendered in person by the accused, and with the consent of the attorney for the Commonwealth, entered of record, the court shall, and in a prosecution for an offence not punishable by death, or confinement in the penitentiary, upon a plea of not guilty, with the consent of the accused, given in person, and of the attorney for the Commonwealth, both entered of record, the court, in its discretion, may hear and determine the case, without the intervention of a jury; and, that the General Assembly may provide for the trial of offences not punishable by death, or confinement in the penitentiary, by a justice of the peace, without jury, preserving in all such cases, the right of the accused to an appeal to and trial by jury in the circuit or corporation court; and may also provide for juries consisting of less than twelve, but not less than five, for the trial of offences not punishable by death, or confinement in the penitentiary, and may classify such cases, and prescribe the number of jurors for each class.

SEC. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.

SEC. 11. That no person shall be deprived of his property without due process of law; and in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred; but the General Assembly may limit the number of jurors for civil cases in circuit and corporation courts to not less than five in cases now cognizable by justices of the peace or to not less than seven in cases not so cognizable.

SEC. 12. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained by despotic governments, and any citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

SEC. 13. That a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defense of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

SEC. 14. That the people have a right to uniform government; and, therefore, that no government separate from, or independent of, the government of Virginia ought to be erected or established within the limits thereof.

SEC. 15. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

SEC. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not

by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.

SEC. 17. The rights enumerated in this Bill of Rights shall not be construed to limit other rights of the people not therein expressed.

ARTICLE II.

ELECTIVE FRANCHISE AND QUALIFICATIONS FOR OFFICE.

SEC. 18. Every male citizen of the United States, twenty-one years of age, who has been a resident of the State two years, of the county, city, or town one year, and of the precinct in which he offers to vote, thirty days, next preceding the election in which he offers to vote, has been registered, and has paid his State poll taxes, as hereinafter required, shall be entitled to vote for members of the General Assembly and all officers elective by the people; but removal from one precinct to another, in the same county, city or town shall not deprive any person of his right to vote in the precinct from which he has moved, until the expiration of thirty days after such removal.

SEC. 19. There shall be general registrations in the counties, cities and towns of the State during the years nineteen hundred and two and nineteen hundred and three at such times and in such manner as may be prescribed by an ordinance of this Convention. At such registrations every male citizen of the United States having the qualifications of age and residence required in section eighteen shall be entitled to register, if he be:

First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or of any State of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person, who owns property, upon which, for the year next preceding that in which he offers to register State taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers.

A roll containing the names of all persons thus registered, sworn to and certified by the officers of registration, shall be filed, for record and preservation, in the clerk's office of the circuit court of the county, or the clerk's office of the corporation court of the city, as the case may be. Persons thus enrolled shall not be required to register again, unless they shall have ceased to be residents of the State, or become disqualified by section Twenty-three. Any person denied registration under this section shall have the right of appeal to the circuit court of his county, or the corporation court of his city, or to the judge thereof in vacation.

SEC. 20. After the first day of January, nineteen hundred and four, every male citizen of the United States, having the qualifications of age and residence required in section Eighteen, shall be entitled to register, provided:

First. That he personally paid to the proper officer all State poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That, unless physically unable, he make application to register in his own hand-writing, without aid, suggestion, or memorandum, in the presence of the registration officers, stating therein his name, age, date and place of birth, residence and occupation at the time and for the two years next

preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto shall be reduced to writing, certified by the said officers, and preserved as a part of their official records.

SEC. 21. Any person registered under either of the last two sections, shall have the right to vote for members of the General Assembly and all officers elective by the people, subject to the following conditions:

That he, unless exempted by section Twenty-two, shall, as a prerequisite to the right to vote after the first day of January, nineteen hundred and four, personally pay, at least six months prior to the election, all State poll taxes assessed or assessable against him, under this Constitution, during the three years next preceding that in which he offers to vote; provided that, if he register after the first day of January, nineteen hundred and four, he shall, unless physically unable, prepare and deposit his ballot without aid, on such printed form as the law may prescribe, but any voter registered prior to that date may be aided in the preparation of his ballot by such officer of election as he himself may designate.

SEC. 22. No person who, during the late war between the States, served in the army or navy of the United States, or the Confederate States, or any State of the United States, or of the Confederate States, shall at any time be required to pay a poll tax as a prerequisite to the right to register or vote. The collection of the State poll tax assessed against any one shall not be enforced by legal process until the same has become three years past due.

SEC. 23. The following persons shall be excluded from registering and voting: Idiots, insane persons and paupers; persons who, prior to the adoption of this Constitution, were disqualified from voting, by conviction of crime, either within or without this State, and whose disabilities shall not have been removed; persons convicted after the adoption of this Constitution, either within or without this State, of treason, or of any felony, bribery, petit larceny, obtaining money or property under false pretenses, embezzlement, forgery, or perjury; persons, who, while citizens of this State, after the adoption of this Constitution, have fought a duel with a deadly weapon, or sent or accepted a challenge to fight such duel, either within or without this State, or knowingly conveyed a challenge, or aided or assisted in any way in the fighting of such duel.

SEC. 24. No officer, soldier, seaman, or marine of the United States army or navy shall be deemed to have gained a residence as to the right of suffrage, in the State, or in any county, city or town thereof, by reason of being stationed therein; nor shall an inmate of any charitable institution or a student in any institution of learning be regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

SEC. 25. The General Assembly shall provide for the annual registration of voters under section Twenty, for an appeal by any person denied registration, for the correction of illegal or fraudulent registration, thereunder, and also for the proper transfer of all voters registered under this Constitution.

SEC. 26. Any person who, in respect to age or residence, would be qualified to vote at the next election, shall be admitted to registration, notwithstanding that at the time thereof he is not so qualified, and shall be entitled to vote at said election if then qualified under the provisions of this Constitution.

SEC. 27. All elections by the people shall be by ballot; all elections by any representative body shall be viva voce and the vote recorded in the journal thereof.

The ballot-box shall be kept in public view during all elections, and shall not be opened, nor the ballots canvassed or counted, in secret.

So far as consistent with the provisions of this Constitution, the absolute secrecy of the ballot shall be maintained.

SEC. 28. The General Assembly shall provide for ballots without any distinguishing mark or symbol, for use in all State, county, city, and other elections by the people, and the form thereof shall be the same in all places where

any such election is held. All ballots shall contain the names of the candidates, and of the offices to be filled, in clear print and in due and orderly succession; but any voter may erase any name and insert another.

SEC. 29. No voter, during the time of holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to attend any court as suitor, juror, or witness; and no voter shall be subject to arrest under any civil process during his attendance at election or in going to or returning therefrom.

SEC. 30. The General Assembly may prescribe a property qualification not exceeding two hundred and fifty dollars for voters in any county or subdivision thereof, or city or town, as a prerequisite for voting in any election for officers, other than the members of the General Assembly, to be wholly elected by the voters of such county or subdivision thereof, or city, or town; such action, if taken, to be had upon the initiative of a representative in the General Assembly of the county, city or town affected; provided, that the General Assembly in its discretion may make such exemptions from the operation of said property qualification as shall not be in conflict with the constitution of the United States.

SEC. 31. There shall be in each county and city an electoral board, composed of three members, appointed by the circuit court of the county or the corporation court of the city, or the judge of the court in vacation. Of those first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years; and thereafter their successors shall be appointed for the full term of three years. Any vacancy occurring in any board shall be filled by the same authority for the unexpired term.

Each electoral board shall appoint the judges, clerks, and registrars of election for its county or city; and, in appointing judges of election, representation as far as possible shall be given to each of the two political parties which, at the general election next preceding their appointment, cast the highest and next highest number of votes.

No person, nor the deputy of any person, holding any office or post of profit or emolument, under the United States government, or who is in the employment of such government, or holding any elective office of profit or trust in the State, or in any county, city, or town thereof, shall be appointed a member of the electoral board, or registrar, or judge of election.

SEC. 32. Every person qualified to vote shall be eligible to any office of the State, or of any county, city, town, or other subdivision of the State, wherein he resides, except as otherwise provided in this Constitution, and except that this provision as to residence shall not apply to any office elective by the people where the law provides otherwise. Men and women eighteen years of age shall be eligible to the office of notary public, and qualified to execute the bonds required of them in that capacity.

SEC. 33. The terms of all officers elected under this Constitution shall begin on the first day of February next succeeding their election, unless otherwise provided in this Constitution. All officers, elected or appointed shall continue to discharge the duties of their offices after their terms of service have expired, until their successors have qualified.

SEC. 34. Members of the General Assembly and all officers, executive and judicial, elected or appointed after this Constitution goes into effect, shall, before they enter on the performance of their public duties, severally take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Virginia ordained by the Convention which assembled in the city of Richmond on the twelfth day of June, nineteen hundred and one, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my ability; so help me God."

SEC. 35. No person shall vote at any legalized primary election for the nomination of any candidate for office unless he is at the time registered and qualified to vote at the next succeeding election.

SEC. 36. The General Assembly shall enact such laws as are necessary and

roper for the purpose of securing the regularity and purity of general, local
id primary elections, and preventing and punishing any corrupt practices in
onnection therewith; and shall have power in addition to other penalties and
unishments now or hereafter prescribed by law for such offences, to provide
iat persons convicted of them shall thereafter be disqualified from voting or
olding office

SEC. 37. The General Assembly may provide for the use, throughout the
tate or in any one or more counties, cities, or towns, in any election, of ma-
hines for receiving, recording, and counting the votes cast thereat; provided,
iat the secrecy of the voting be not thereby impaired.

SEC. 38. After the first day of January, nineteen hundred and four, the
reasurer of each county and city shall, at least five months before each regular
ection, file with the clerk of the circuit court of his county, or of the cor-
oration court of his city, a list of all persons in his county or city, who have
id, not later than six months prior to such election, the State poll taxes
equired by this Constitution during the three years next preceding that in
hich such election is held; which list shall be arranged alphabetically, by magis-
rial districts or wards, shall state the white and colored persons separately,
id shall be verified by the oath of the treasurer. The clerk, within ten days
om the receipt of the list, shall make and certify a sufficient number of copies
ereof, and shall deliver one copy for each voting place in his county or city
the sheriff of the county or sergeant of the city, whose duty it shall be to
st one copy, without delay, at each of the voting places and, within ten days
om the receipt thereof, to make return on oath to the clerk, as to the places
here and dates at which said copies were respectively posted; which return
e clerk shall record in a book kept in his office for the purpose; and he shall
ep in his office for public inspection, for at least sixty days after receiving
e list, not less than ten certified copies thereof, and also cause the list to
published in such other manner as may be prescribed by law; the original
t returned by the treasurer shall be filed and preserved by the clerk among
e public records of his office for at least five years after receiving the same.
ithin thirty days after the list has been so posted, any person who shall have
id his capitation tax, but whose name is omitted from the certified list, may,
ter five days' written notice to the treasurer, apply to the circuit court of his
unty, or corporation court of his city, or to the judge thereof in vacation, to
ve the same corrected and his name entered thereon, which application the
urt or judge shall promptly hear and decide.

The clerk shall deliver, or cause to be delivered, with the poll books, at a
asonable time before every election, to one of the judges of election of each
ecinct of his county or city, a like certified copy of the list, which shall be
nclusive evidence of the facts therein stated for the purpose of voting. The
erk shall also, within sixty days after the filing of the list by the treasurer,
rward a certified copy thereof, with such corrections as may have been made by
ider of the court or judge, to the Auditor of Public Accounts, who shall charge
e amount of the poll taxes stated therein to such treasurer unless previously
counted for.

Further evidence of the prepayment of the capitation taxes required by
is Constitution, as a prerequisite to the right to register and vote, may be
escribed by law.

ARTICLE III.

DIVISION OF POWERS.

SEC. 39. Except as hereinafter provided, the legislative, executive, and
diciary departments shall be separate and distinct, so that neither exercise
e powers properly belonging to either of the others, nor any person exercise
e power of more than one of them at the same time.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SEC. 40. The legislative power of the State shall be vested in a General
sembly, which shall consist of a Senate and House of Delegates.

SEC. 41. The Senate shall consist of not more than forty and not less than thirty-three members, who shall be elected quadrennially by the voters of the several senatorial districts, on the Tuesday succeeding the first Monday in November.

SEC. 42. The House of Delegates shall consist of not more than one hundred and not less than ninety members, who shall be elected bi-ennially by the voters of the several house districts, on the Tuesday succeeding the first Monday in November.

SEC. 43. The apportionment of the State into senatorial and house districts, made by the acts of the General Assembly, approved April the second, nineteen hundred and two, is hereby adopted; but a re-apportionment may be made in the year nineteen hundred and six, and shall be made in the year nineteen hundred and twelve, and every tenth year thereafter.

SEC. 44. Any person may be elected senator who, at the time of election, is actually a resident of the senatorial district and qualified to vote for members of the General Assembly, and any person may be elected a member of the House of Delegates who, at the time of election, is actually a resident of the house district and qualified to vote for members of the General Assembly. But no person holding a salaried office under the State government, and no judge of any court, attorney for the Commonwealth, sheriff, sergeant, treasurer, assessor of taxes, commissioner of the revenue, collector of taxes, or clerk of any court, shall be a member of either house of the General Assembly during his continuance in office, and the election of any such person to either house of the General Assembly, and his qualification as a member thereof, shall vacate any such office held by him, and no person holding any office or post of profit or emolument under the United States government or who is in the employment of such government, shall be eligible to either house. The removal of a senator or delegate from the district for which he is elected, shall vacate his office.

SEC. 45. The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected, shall be appointed or elected to any civil office of profit in the State except offices filled by election by the people.

SEC. 46. The General Assembly shall meet once in two years on the second Wednesday in January next succeeding the election of the members of the House of Delegates and not oftener unless convened in the manner prescribed by this Constitution. No session of the General Assembly, after the first under this Constitution, shall continue longer than sixty days; but with the concurrence of three-fifths of the members elected to each house, the session may be extended for a period not exceeding thirty days. Except for the first session held under this Constitution, members shall be allowed a salary for not exceeding sixty days at any regular session, and for not exceeding thirty days at any extra session. Neither house shall, without the consent of the other, adjourn to another place nor for more than three days. A majority of the members elected to each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and shall have power to compel the attendance of members in such manner and under such penalty as each house may prescribe.

SEC. 47. The House of Delegates shall choose its own speaker; and, in the absence of the Lieutenant-Governor, or, when he shall exercise the office of Governor, the Senate shall choose from their own body a president pro tempore. Each house shall select its officers, settle its rules of procedure, and direct writs of election for supplying vacancies which may occur during the session of the General Assembly; but, if vacancies occur during the recess, such writs may be issued by the Governor, under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members; may punish them for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.

SEC. 48. Members of the General Assembly shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the sessions of their respective houses; and for any speech or debate in either house shall not be questioned in any other place. They shall not be subject to arrest, under any civil process, during the sessions of the General Assembly, or the fifteen days next before the beginning or after the ending of any session.

SEC. 49. Each house shall keep a journal of its proceedings, which shall be published from time to time, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

SEC. 50. No law shall be enacted except by bill. A bill may originate in either house, to be approved or rejected by the other, or may be amended by either, with the concurrence of the other.

No bill shall become a law unless, prior to its passage, it has been,

(a) Referred to a committee of each house, considered by such committee in session, and reported;

(b) Printed by the house, in which it originated, prior to its passage herein;

(c) Read at length on three different calendar days in each house; and unless,

(d) A yea and nay vote has been taken in each house upon its final passage, the names of the members voting for and against entered on the journal, and a majority of those voting, which shall include at least two-fifths of the members elected to each house, recorded in the affirmative.

And only in the manner required in subdivision (d) of this section shall an amendment to a bill by one house be concurred in by the other, or a conference report be adopted by either house, or either house discharge a committee from the consideration of a bill and consider the same as if reported: provided, that the printing and reading, or either, required in subdivisions (b) and (c) of this section, may be dispensed with in a bill to codify the laws of the State, and in any case of emergency by a vote of four-fifths of the members voting in each house taken by the yeas and nays, the names of the members voting for and against entered on the journal; and provided further, that no bill which creates, or establishes a new office, or which creates, continues or revives a debt or charge, or makes, continues or revives any appropriation of public or trust money, or property, or releases, discharges or commutes any claim or demand of the State, or which imposes, continues or revives a tax, shall be passed except by the affirmative vote of a majority of all the members elected to each house, the vote to be by the yeas and nays, and the members voting for and against entered on the journal. Every law, imposing, continuing or reviving a tax shall specifically state such tax, and no law shall be construed as so stating such tax which requires a reference to any other law or any other tax. The presiding officer of each house shall, in the presence of the house over which he presides, sign every bill that has been passed by both houses and duly enrolled. Immediately before this is done, all other business being suspended, the title of the bill shall be publicly read. The fact of signing shall be entered on the journal.

SEC. 51. There shall be a joint committee of the General Assembly, consisting of seven members appointed by the House of Delegates and five members appointed by the Senate, which shall be a standing committee on special, private and local legislation. Before reference to a committee, as provided by section Fifty, any special, private, or local bill introduced in either house shall be referred to and considered by such joint committee and returned to the house in which it originated, with a statement in writing whether the object of the bill can be accomplished under general law or by court proceeding; thereupon, the bill, with the accompanying statement, shall take the course provided by section Fifty. The joint committee may be discharged from the consideration of a bill by the house in which it originated in the manner provided in section Fifty for the discharge of other committees.

SEC. 52. No law shall embrace more than one object, which shall be ex-

pressed in its title; nor shall any law be revived or amended with reference to its title, but the act revived or the section amended shall be re-enacted and published at length.

SEC. 53. No law, except a general appropriation law, shall take effect until at least ninety days after the adjournment of the session of the General Assembly at which it is enacted, unless in case of an emergency (which emergency shall be expressed in the body of the bill), the General Assembly shall otherwise direct by a vote of four-fifths of the members voting in each house, such vote to be taken by the yeas and nays, and the names of the members voting for and against entered on the journal.

SEC. 54. The Governor, Lieutenant-Governor, Attorney-General, judges, members of the State Corporation Commission, and executive officers at the seat of government, and all officers appointed by the Governor or elected by the General Assembly, offending against the State by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, may be impeached by the House of Delegates, and prosecuted before the Senate, which shall have the sole power to try impeachment. When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the State; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

SEC. 55. The General Assembly shall, by law, apportion the State into districts, corresponding with the number of representatives to which it may be entitled in the House of Representatives of the Congress of the United States; which districts shall be composed of contiguous and compact territory containing, as nearly as practicable, an equal number of inhabitants.

SEC. 56. The manner of conducting and making returns of elections, of determining contested elections, and of filling vacancies in office, in cases not specially provided for by this Constitution, shall be prescribed by law, and the General Assembly may declare the cases in which any office shall be deemed vacant where no provision is made for that purpose in this Constitution.

SEC. 57. The General Assembly shall have power, by a two-thirds vote, to remove disabilities incurred under section Twenty-three, of Article Two, of this Constitution, with reference to dueling.

SEC. 58. The privilege of the writ of habeas corpus shall not be suspended unless, when in cases of invasion or rebellion, the public safety may require. The General Assembly shall not pass any bill of attainder, or any ex post facto law, or any law impairing the obligation of contracts, or any law abridging the freedom of speech or of the press. It shall not enact any law whereby private property shall be taken or damaged for public uses, without just compensation. No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and the same shall in no wise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves or others any tax for the erection or repair of any house of public worship, or for the support of any church or ministry; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

SEC. 59. The General Assembly shall not grant a charter of incorporation to any church or religious denomination, but may secure the title to church property to an extent to be limited by law.

SEC. 60. No lottery shall hereafter be authorized by law; and the buying, selling, or transferring of tickets or chances in any lottery shall be prohibited.

SEC. 61. No new county shall be formed with an area of less than six hundred square miles; nor shall the county or counties from which it is formed be reduced below that area; nor shall any county be reduced in population below eight thousand. But any county, the length of which is three times its mean breadth, or which exceeds fifty miles in length, may be divided at the discretion of the General Assembly.

SEC. 62. The General Assembly shall have full power to enact local option or dispensary laws, or any other laws controlling, regulating, or prohibiting the manufacture or sale of intoxicating liquors.

SEC. 63. The General Assembly shall confer on the courts power to grant divorces, change the names of persons, and direct the sale of estates belonging to infants and other persons under legal disabilities, and shall not, by special legislation, grant relief in these or other cases of which the courts or other tribunals may have jurisdiction. The General Assembly may regulate the exercise by courts of the right to punish for contempt. The General Assembly shall not enact any local, special, or private law in the following cases:

1. For the punishment of crime.
2. Providing a change of venue in civil or criminal cases.
3. Regulating the practice in, or the jurisdiction of, or changing the rules of evidence in any judicial proceedings or inquiry before the courts or other tribunals, or providing or changing the methods of collecting debts or enforcing judgments, or prescribing the effect of judicial sales of real estate.
4. Changing or locating county seats.
5. For the assessment and collection of taxes, except as to animals which the General Assembly may deem dangerous to the farming interests.
6. Extending the time for the assessment or collection of taxes.
7. Exempting property from taxation.
8. Remitting, releasing, postponing, or diminishing any obligation or liability of any person, corporation, or association, to the State or to any political subdivision thereof.
9. Refunding money lawfully paid into the treasury of the State or the treasury of any political subdivision thereof.
10. Granting from the treasury of the State, or granting or authorizing to be granted from the treasury of any political subdivision thereof, any extra compensation to any public officer, servant, agent, or contractor.
11. For conducting elections or designating the places of voting.
12. Regulating labor, trade, mining or manufacturing, or the rate of interest on money.
13. Granting any pension or pensions.
14. Creating, increasing, or decreasing, or authorizing to be created, increased, or decreased, the salaries, fees, percentages, or allowances of public officers during the term for which they are elected or appointed.
15. Declaring streams navigable, or authorizing the construction of booms or dams therein, or the removal of obstructions therefrom.
16. Affecting or regulating fencing or the boundaries of land, or the running at large of stock.
17. Creating private corporations, or amending, renewing, or extending the charters thereof.
18. Granting to any private corporation, association, or individual any special or exclusive right, privilege or immunity.
19. Naming or changing the name of any private corporation or association.
20. Remitting the forfeiture of the charter of any private corporation except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution and the laws passed in pursuance thereof.

SEC. 64. In all the cases enumerated in the last section, and in every other case which, in its judgment, may be provided for by general laws, the General Assembly shall enact general laws. Any general law shall be subject to amendment or repeal, but the amendment or partial repeal thereof shall not operate

directly or indirectly to enact, and shall not have the effect of the enactment o a special, private, or local law.

No general or special law shall surrender or suspend the right and powe of the State, or any political subdivision thereof, to tax corporations and cor porate property, except as authorized by Article Thirteen. No private corpora tion, association, or individual shall be specially exempted from the operatio of any general law, nor shall its operation be suspended for the benefit of an private corporation, association, or individual.

SEC. 65. The General Assembly may, by general laws, confer upon th boards of supervisors of counties, and the councils of cities and towns, suc powers of local and special legislation, as it may from time to time deem expe dient, nor inconsistent with the limitations contained in this Constitution.

SEC. 66. The Clerk of the House of Delegates shall be Keeper of the Roll of the State but shall receive no compensation from the State for his service as such.

The General Assembly by general law shall prescribe the number of em ployees of the Senate and House of Delegates, including the clerks thereof, an fix their compensation at a per diem, for the time actually employed in th discharge of their duties.

SEC. 67. The General Assembly shall not make any appropriation of publi funds, of personal property, or of any real estate, to any church, or sectaria society, association, or institution of any kind whatever, which is entirely o partly, directly or indirectly, controlled by any church or sectarian society nor shall the General Assembly make any like appropriation to any charitabl institution, which is not owned or controlled by the State; except that it may in its discretion, make appropriations to non-sectarian institutions for the re form of youthful criminals; but nothing herein contained shall prohibit th General Assembly from authorizing counties, cities, or towns to make suc appropriations to any charitable institution or association.

SEC. 68. The General Assembly shall, at each regular session, appoint a standing committee, consisting of two members of the Senate and three mem bers of the House Delegates, which shall be known as the auditing committee Such committee shall annually, or oftener in its discretion, examine the book and accounts of the First Auditor, the State Treasurer, the Secretary of th Commonwealth, and other executive officers at the seat of government whos duties pertain to auditing or accounting for the State revenue, report the resul of its investigations to the Governor, and cause the same to be published i two newspapers of general circulation in the State. The Governor shall, a the beginning of each session, submit said reports to the General Assembly fo appropriate action. The committee may sit during the recess of the Genera Assembly, receive such compensation as may be prescribed by law, and emplo one or more accountants to assist in its investigations.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SEC. 69. The chief executive power of the State shall be vested in a Go ernor. He shall hold office for a term of four years, to commence on the fir day of February next succeeding his election, and be ineligible to the same offi for the term next succeeding that for which he was elected, and to any oth office during his term of service.

SEC. 70. The Governor shall be elected by the qualified voters of the Sta at the time and place of choosing members of the General Assembly. Retur of the election shall be transmitted, under seal, by the proper officers, to th Secretary of the Commonwealth, who shall deliver them to the Speaker of th House of Delegates on the first day of the next session of the General Assembl The Speaker of the House of Delegates shall, within one week thereafter, the presence of a majority of the Senate and of the House of Delegates, op the returns, and the votes shall then be counted. The person having the highe number of votes shall be declared elected; but if two or more shall have th

highest and an equal number of votes, one of them shall be chosen Governor by the joint vote of the two houses of the General Assembly. Contested elections for Governor shall be decided by a like vote, and the mode of proceeding in such cases shall be prescribed by law.

SEC. 71. No person except a citizen of the United States shall be eligible to the office of Governor; and if such person be of foreign birth, he must have been a citizen of the United States for ten years next preceding his election; nor shall any person be eligible to that office unless he shall have attained the age of thirty years, and have been a resident of the State for five years next preceding his election.

SEC. 72. The Governor shall reside at the seat of government; shall receive five thousand dollars for each year of his service, and while in office shall receive no other emolument from this or any other government.

SEC. 73. The Governor shall take care that the laws be faithfully executed; communicate to the General Assembly, at every session, the condition of the State; recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members of both houses thereof, or when, in his opinion, the interest of the State may require. He shall be commander-in-chief of the land and naval forces of the State; have power to embody the militia to repel invasion, suppress insurrection and enforce the execution of the laws; conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign States; and, during the recess of the General Assembly, shall have power to suspend from office for misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law, all executive officers at the seat of the government except the Lieutenant-Governor; but, in any case in which this power is so exercised, the Governor shall report to the General Assembly, at the beginning of the next session thereof, the fact of such suspension and the cause therefor, whereupon the General Assembly shall determine whether such officer shall be restored or finally removed; and the Governor shall have power, during the recess of the General Assembly, to appoint, pro tempore successors to all officers so suspended, and to fill, pro tempore, vacancies in all offices of the State, for the filling of which the Constitution and laws make no other provision; but his appointments to such vacancies shall be by commission, to expire at the end of thirty days after the commencement of the next session of the General Assembly. He shall have power to remit fines and penalties in such cases, and under such rules and regulations as may be prescribed by law, and, except when the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; to remove political disabilities consequent upon conviction for offences committed prior or subsequent to the adoption of this Constitution, and to commute capital punishment; but he shall communicate to the General Assembly, at each session, particulars of every case of fine or penalty remitted, of reprieve or pardon granted, and of punishment commuted, with his reasons for remitting, granting, or commuting the same.

SEC. 74. The Governor may require information in writing, under oath, from the officers of the executive department and superintendents of State institutions upon any subject relating to the duties of their respective offices and institutions; and he may inspect at any time their official books, accounts and vouchers, and ascertain the condition of the public funds in their charge, and in that connection may employ accountants. He may require the opinion in writing of the Attorney-General upon any question of law affecting the official duties of the Governor.

SEC. 75. Commissions and grants shall run in the name of Commonwealth of Virginia, and be attested by the Governor, with the seal of the Commonwealth annexed.

SEC. 76. Every bill, which shall have passed the Senate and House of Delegates, shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, but, if not, he may return it with his objections to the house in which it originated, which shall enter the objections at large on its journal and proceed to reconsider the same. If, after such consideration,

two-thirds of the members present, which two-thirds shall include a majority of the members elected to that house, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it will likewise be reconsidered, and if approved by two-thirds of all the members present which two-thirds shall include a majority of the members elected to that house it shall become a law, notwithstanding the objections. The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills returned to the General Assembly without his approval. If he approves the general purpose of any bill, but disapproves any part or parts thereof, he may return it, with recommendations for its amendment, to the house in which it originated, whereupon the same proceedings shall be had in both houses upon the bill and his recommendations in relation to its amendment, as is above provided in relation to a bill which he shall have returned without his approval, and with his objections thereto; provided that if, after such reconsideration, both houses, by a vote of a majority of the members present in each, shall agree to amend the bill in accordance with his recommendation in relation thereto, or either house by such vote shall fail or refuse to so amend it, then, and in either case, the bill shall be again sent to him, and he may act upon it as if it were then before him for the first time. But in all the cases above set forth the votes of both houses shall be determined by ayes and noes, and the names of the members voting for and against the bill, or item or items of an appropriation bill, shall be entered on the journal of each house. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly shall, by final adjournment, prevent such return; in which case it shall be a law if approved by the Governor in the manner and to the extent above provided, within ten days after such adjournment, but not otherwise.

Sec. 77. A Lieutenant-Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same.

Sec. 78. In case of the removal of the Governor from office, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant-Governor; and the General Assembly shall provide by law for the discharge of the executive functions in other necessary cases.

Sec. 79. The Lieutenant-Governor shall be president of the Senate; but shall have no vote except in case of an equal division; and while acting as such, shall receive a compensation equal to that allowed to the Speaker of the House of Delegates.

Sec. 80. A Secretary of the Commonwealth shall be elected by the qualified voters of the State at the same time and for the same term as the Governor and the fact of his election shall be ascertained as in the case of the Governor. He shall keep a daily record of the official acts of the Governor, which shall be signed by the Governor and attested by the Secretary; and, when required, he shall lay the same, and any papers, minutes and vouchers pertaining to his office, before either house of the General Assembly. He shall discharge such other duties as may be prescribed by law. All fees received by the Secretary of the Commonwealth shall be paid into the treasury monthly.

Sec. 81. A State Treasurer shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. His powers and duties shall be prescribed by law.

Sec. 82. An Auditor of Public Accounts shall be elected by the joint vote of the two houses of the General Assembly for the term of four years. His powers and duties shall be prescribed by law.

Sec. 83. The salary of each officer of the Executive Department, except it

those cases where the salary is determined by this Constitution, shall be fixed by law; and the salary of no such officer shall be increased or diminished during the term for which he shall have been elected or appointed.

SEC. 84. The General Assembly shall provide by law for the establishment and maintenance of an efficient system of checks and balances between the officers at the seat of government entrusted with the collection, receipt, custody, or disbursement of the revenues of the State.

SEC. 85. All State officers, and their deputies, assistants or employees, charged with the collection, custody, handling or disbursement of public funds, shall be required to give bond for the faithful performance of such duties; the amount of such bond in each case, and the manner in which security shall be furnished, to be specified and regulated by law.

SEC. 86. The General Assembly shall have power to establish and maintain a Bureau of Labor and Statistics, under such regulations as may be prescribed by law.

ARTICLE VI.

JUDICIARY DEPARTMENT.

SEC. 87. The Judiciary Department shall consist of a Supreme Court of Appeals, circuit courts, city courts, and such other courts as are hereinafter authorized. The jurisdiction of these tribunals and the judges thereof, except so far as conferred by this Constitution, shall be regulated by law.

SEC. 88. The Supreme Court of Appeals shall consist of five judges, any three of whom may hold a court. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition; but in all other cases, in which it shall have jurisdiction, it shall have appellate jurisdiction only.

Subject to such reasonable rules, as may be prescribed by law, as to the course of appeal, the limitation as to time, the security required, if any, the granting or refusing of appeals, and the procedure therein, it shall, by virtue of this Constitution, have appellate jurisdiction in all cases involving the constitutionality of a law as being repugnant to the Constitution of this State, or of the United States, or involving the life or liberty of any person; and it shall also have appellate jurisdiction in such other cases, within the limits hereinafter defined, as may be prescribed by law; but no appeal shall be allowed to the Commonwealth in any case involving the life or liberty of a person, except that an appeal by the Commonwealth may be allowed by law in any case involving the violation of a law relating to the State revenue. No bond shall be required of any accused person as a condition of appeal, but a supersedeas bond may be required where the only punishment imposed in the court below is a fine.

The court shall not have jurisdiction in civil cases where the matter in controversy, exclusive of costs and of interest accrued since the judgment in the court below, is less in value or amount than three hundred dollars, except in controversies concerning the title to, or boundaries of land, the condemnation of property, the probate of a will, the appointment or qualification of a personal representative, guardian, committee, or curator, or concerning a mill, roadway, ferry, or landing, or the right of the State, county, or municipal corporation, to levy tolls or taxes, or involving the construction of any statute, ordinance or county proceeding imposing taxes; and, except in cases of habeas corpus, mandamus, and prohibition, the constitutionality of a law, or some other matter not merely pecuniary. After the year nineteen hundred and ten the General Assembly may change the jurisdiction of the court in matters merely pecuniary. The assent of at least three of the judges shall be required for the court to determine that any law is, or is not, repugnant to the Constitution of this State, or of the United States; and if, in a case involving the constitutionality of any such law, not more than two of the judges sitting agree in opinion on the constitutional question involved, and the case cannot be determined, without passing on such question, no decision shall be rendered therein, but the case shall be reheard by a full court; and in no case where the jurisdiction of the court depends solely upon the fact that the constitu-

tionality of a law is in invoived, shall the court decide the case upon its merits, unless the contention of the appellant upon the constitutional question be sustained. Whenever the requisite majority of the judges sitting are unable to agree upon a decision, the case shall be reheard by a full bench, and any vacancy caused by any one or more of the judges being unable, unwilling, or disqualified to sit, shall be temporarily filled in a manner to be prescribed by law.

SEC. 89. The General Assembly may, from time to time, provide for a Special Court of Appeals to try any cases on the docket of the Supreme Court of Appeals in respect to which a majority of the judges are so situated as to make it improper for them to sit; and also to try any cases on said docket which cannot be disposed of with convenient dispatch. The said special court shall be composed of not less than three nor more than five of the judges of the circuit courts and city courts of record in cities of the first class, or of the judges of either of said courts, or of any of the judges of said courts, together with one or more of the judges of the Supreme Court of Appeals.

SEC. 90. When a judgment or decree is reversed or affirmed by the Supreme Court of Appeals the reasons therefor shall be stated in writing and preserved with the record of the case.

SEC. 91. The judges of the Supreme Court of Appeals shall be chosen by the joint vote of the two houses of the General Assembly. They shall, when chosen, have held a judicial station in the United States, or shall have practiced law in this or some other State for five years. At the first election under this Constitution, the General Assembly shall elect the judges for terms of four, six, eight, ten, and twelve years respectively; and thereafter they shall be elected for terms of twelve years.

SEC. 92. The officers of the Supreme Court of Appeals shall be appointed by the court or by the judges in vacation. Their duties, compensation, and tenure of office shall be prescribed by law.

SEC. 93. The Supreme Court of Appeals shall hold its sessions at two or more places in the State, to be fixed by law.

SEC. 94. The State shall be divided into twenty-four judicial circuits, as follows:

The county of Norfolk shall constitute the first circuit.

The counties of Nansemond, Southampton, city of Suffolk and the city of Norfolk shall constitute the second circuit.

The counties of Prince George, Surry, Sussex, Greensville and Brunswick shall constitute the third circuit.

The counties of Chesterfield, Dinwiddie, Nottoway, Amelia, Powhatan and the city of Petersburg shall constitute the fourth circuit.

The counties of Prince Edward, Cumberland, Appomattox, Charlotte and Buckingham shall constitute the fifth circuit.

The counties of Lunenburg, Mecklenburg, Halifax, Campbell, and the city of Lynchburg shall constitute the sixth circuit.

The counties of Pittsylvania, Henry, Patrick, and the city of Danville shall constitute the seventh circuit.

The counties of Madison, Greene and Albemarle shall constitute the eighth circuit.

The counties of Culpeper, Orange, Louisa and Goochland shall constitute the ninth circuit.

The county of Henrico and the city of Richmond shall constitute the tenth circuit.

The county of Elizabeth City and the city of Newport News shall constitute the eleventh circuit.

The counties of Richmond, Northumberland, Westmoreland, Lancaster and Essex shall constitute the twelfth circuit.

The counties of Gloucester, Mathews, King and Queen, King William and Middlesex shall constitute the thirteenth circuit.

The counties of New Kent, Charles City, York, Warwick, James City, and the city of Williamsburg shall constitute the fourteenth circuit.

The counties of King George, Stafford, Spotsylvania, Caroline and Hanover shall constitute the fifteenth circuit.

The counties of Prince William, Fairfax and Alexandria, and the city of Alexandria shall constitute the sixteenth circuit.

The counties of Frederick, Clarke, Warren and Shenandoah shall constitute the seventeenth circuit.

The counties of Augusta, Highland and Rockbridge shall constitute the eighteenth circuit.

The counties of Bath, Alleghany, Craig and Botetourt, and the city of Clifton Forge shall constitute the nineteenth circuit.

The counties of Roanoke, Montgomery, Floyd, and the city of Roanoke shall constitute the twentieth circuit.

The counties of Pulaski, Carroll, Wythe and Grayson shall constitute the twenty-first circuit.

The counties of Bland, Tazewell and Giles shall constitute the twenty-second circuit.

The counties of Washington, Smyth and Scott shall constitute the twenty-third circuit.

The counties of Lee and Wise shall constitute the twenty-fourth circuit.

The counties of Rockingham and Page shall constitute the twenty-fifth circuit.

The counties of Rappahannock, Fauquier and Loudoun shall constitute the twenty-sixth judicial circuit.

The counties of Buchanan, Russell and Dickinson shall constitute the twenty-seventh circuit.

The counties of Isle of Wight and Princess Anne and the city of Portsmouth shall constitute the twenty-eighth circuit.

The counties of Amherst, Nelson and Fluvanna shall constitute the twenty-ninth circuit.

The counties of Bedford and Franklin shall constitute the thirtieth circuit.

The counties of Accomac and Northampton shall constitute the thirty-first circuit.[1]

SEC. 95. After the first day of January, nineteen hundred and six, as the public interest requires, the General Assembly may rearrange the said circuits and increase or diminish the number thereof. But no new circuit shall be created containing, by the last United States census or other census provided by law, less than forty thousand inhabitants, nor when the effect of creating it will be to reduce the number of inhabitants in any existing circuit below forty thousand according to such census.[2]

SEC. 96. For each circuit a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside in the circuit of which he is judge. At the first election under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number of judges for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years, respectively; and thereafter they shall be elected for terms of eight years.

SEC. 97. The number of terms of the circuit courts to be held for each county and city shall be prescribed by law. But no separate circuit court shall be held for any city of the second class until the city shall abolish its existing city court. The judge of one circuit may be required or authorized to hold court in any other circuit or city.

SEC. 98. For the purposes of a judicial system, the cities of the State shall be divided into two classes. All cities shall belong to the first class which contain, as shown by the last United States census or other census provided by law, ten thousand inhabitants or more, and all cities shall belong to the second class which contain, as thus shown, less than ten thousand inhabitants. In each city of the first class, there shall be, in addition to the circuit court, a

[1] The list of judicial circuits here given was fixed by an act approved March 27, 1914, enacted under authority of Section 95 of this Article, by which the number of circuits was increased from 24 to 31.

[2] See Note No. 1.

corporation court. In any city containing thirty thousand inhabitants or more, the General Assembly may provide for such additional courts as the public interest may require, and in every such city the city courts, as they now exist, shall continue until otherwise provided by law. In every city of the second class, the corporation or hustings court, existing at the time this Constitution goes into effect, shall continue hereafter under the name of the corporation court of such city; but it may be abolished by a vote of a majority of the qualified electors of such city, at an election held for the purpose, and whenever the office of judge of a corporation or hustings court of a city of the second class, whose salary is less than eight hundred dollars, shall become and remain vacant for ninety days consecutively, such court shall thereby cease to exist. In case of the abolition of the corporation or hustings court of any city of the second class, such city shall thereupon come in every respect within the jurisdiction of the circuit court of the county wherein it is situated, until otherwise provided by law, and the records of such corporation or hustings court shall thereupon become a part of the records of such circuit court, and be transferred thereto, and remain therein until otherwise provided by law; and during the existence of the corporation or hustings court, the circuit court of the county in which such city is situated, shall have concurrent jurisdiction with said corporation or hustings court in all actions of law and suits in equity.

Sec. 99. For each city court of record a judge shall be chosen by the joint vote of the two houses of the General Assembly. He shall, when chosen, possess the same qualifications as judges of the Supreme Court of Appeals, and during his continuance in office shall reside within the jurisdiction of the court over which he presides; but the judge of the corporation court of any corporation having a city charter, and less than five thousand inhabitants, may reside outside its corporate limits; and the same person may be judge of such corporation court and judge of the corporation court of some other city having less than ten thousand inhabitants. At the first election of said judges under this Constitution, the General Assembly shall elect, as nearly as practicable, one-fourth of the entire number for terms of two years, one-fourth for four years, one-fourth for six years, and the remaining fourth for eight years; and thereafter they shall be elected for terms of eight years. The judges of city courts in cities of the first class may be required or authorized to hold the circuit courts of any county and the circuit courts of any city.

Sec. 100. The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer or assurance of titles to land in the State, or any part thereof.

Sec. 101. The General Assembly shall have power to confer upon the clerks of the several circuit courts jurisdiction, to be exercised in the manner and under the regulations to be prescribed by law, in the matter of the admission of wills to probate, and of the appointment and qualification of guardians, personal representatives, curators, appraisers, and committees of the estates of persons who have been adjudged insane or convicted of felony, and in the matter of the substitution of trustees.

Sec. 102. All the judges shall be commissioned by the Governor. They shall receive such salaries and allowances as may be determined by law within the limitations fixed by the Constitution, the amount of which shall not be increased or diminished during their terms of office. Their terms of office shall commence on the first day of February next following their election, and whenever a vacancy occurs in the office of judge, his successor shall be elected for the unexpired term.

Sec. 103. The salaries of the judges of the Supreme Court of Appeals shall be not less than four thousand dollars per annum, and shall be paid by the State.

The salary of the judge of each circuit court shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the counties and cities composing the circuit, according to their respective population; except that of the salary of the judge of the circuit court of the city of Richmond, the State shall pay the proportion which would

otherwise fall to the city of Richmond. The salary of a judge of a city court in a city of the first class shall be not less than two thousand dollars per annum, one-half of which shall be paid by the State, the other half by the city. The whole of the aforesaid salaries of said judges shall be paid out of the State treasury, the State to be reimbursed by the respective counties and cities. Any city may, by an ordinance, increase the salaries of its city or circuit judges, of any one or more of them as it may deem proper, and the increase shall be paid wholly by the city, but shall not be enlarged or diminished during the term of office of the judge. Each city containing less than ten thousand inhabitants shall pay the salary of the judge of its corporation or hustings court.

SEC. 104. Judges may be removed from office for cause, by a concurrent vote of both houses of the General Assembly; but a majority of all the members elected to each house must concur in such vote, and the cause of removal shall be entered on the journal of each house. The judge against whom the General Assembly may be about to proceed shall have notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon.

SEC. 105. No judge of the Supreme Court of Appeals, of the circuit court, or of any city court of record shall practice law, within or without this State, nor shall he hold any other office of public trust during his continuance in office; except that the judge of a corporation or hustings court in the city of the second class may hold the office of commissioner in chancery of the circuit court for the county in which the city is located.

SEC. 106. Writs shall run in the name of the "Commonwealth of Virginia," and be attested by the clerks of the several courts. Indictments shall conclude "against the peace and dignity of the Commonwealth."

SEC. 107. An Attorney General shall be elected by the qualified voters of the State at the same time and for the same term as the Governor; and the fact of his election shall be ascertained in the same manner. He shall be commissioned by the Governor, perform such duties and receive such compensation as may be prescribed by law, and shall be removable in the manner prescribed for the removal of judges.

SEC. 108. The General Assembly shall provide for the appointment or election and for the jurisdiction of such justices of the peace as the public interest may require.

SEC. 109. The General Assembly shall provide by whom and in what manner, applications for bail shall be heard and determined.

ARTICLE VII.

ORGANIZATION AND GOVERNMENT OF COUNTIES.

SEC. 110. There shall be elected by the qualified voters of each county one county treasurer, one sheriff, one attorney for the Commonwealth, and one county clerk, who shall be the clerk of the circuit court. There shall be elected by the qualified voters of each county, for four years, commissioners of the revenue for each county, the number, duties and compensation of whom shall be prescribed by law.

There shall be appointed for each county, in such manner as may be provided by law, one superintendent of the poor and one county surveyor.*

SEC. 111. The magisterial districts shall, until changed by law, remain as now constituted; provided, that hereafter no additional districts shall be made containing less than thirty square miles. In each district there shall be elected by the qualified voters thereof one supervisor. The supervisors of the districts shall constitute the board of supervisors of the county, which shall meet at stated periods and at other times as often as may be necessary, lay the county and district levies, pass upon all claims against the county, subject

* Amendment proposed and adopted by the general assembly of 1908, re-adopted by the general assembly of 1910, ratified on Nov. 8, 1910, and declared effective on Dec. 5, 1910.

to such appeal as may be provided by law, and perform such duties as may be required by law.

SEC. 112. All regular elections for county and district officers shall be held on Tuesday after the first Monday in November, and all of said officers shall enter upon the duties of their offices on the first day of January next succeeding their election, and shall hold their respective offices for the term of four years except that the county clerk shall hold office for eight years; provided, that the term of the clerks first elected under this Constitution shall begin on the first of February, nineteen hundred and four, and end on the first of January, nineteen hundred and twelve.

SEC. 113. No person shall at the same time hold more than one of the offices mentioned in this article. Any officer required by law to give bond may be required to give additional security thereon, or to execute a new bond, and in default of so doing his office shall be declared vacant.

SEC. 114. Counties shall not be made responsible for the acts of the sheriffs.

SEC. 115. The General Assembly shall provide for the examination of the books, accounts and settlements of county and city officers who are charged with the collection and disbursement of public funds.

ARTICLE VIII.

ORGANIZATION AND GOVERNMENT OF CITIES AND TOWNS.

SEC. 116. As used in this article, the words "incorporated communities" shall be construed to relate only to cities and towns. All incorporated communities, having within defined boundaries a population of five thousand or more, shall be known as cities; and all incorporated communities having within defined boundaries a population of less than five thousand, shall be known as towns. In determining the population of such cities and towns the General Assembly shall be governed by the last United States census, or such other enumeration as may be made by authority of the General Assembly; but nothing in this section shall be construed to repeal the charter of any incorporated community of less than five thousand inhabitants having a city charter at the time of the adoption of this Constitution, or to prevent the abolition by such incorporated communities of the corporation or hustings court thereof.

SEC. 117. General laws for the organization and government of cities and towns shall be enacted by the General Assembly, and no special act shall be passed in relation thereto, except in the manner provided in Article Four of this Constitution, and then only by a recorded vote of two-thirds of the members elected to each house, and except also in the case of cities having more than fifty thousand inhabitants as hereinafter provided. But each of the cities and towns of the State having at the time of the adoption of this amendment a municipal charter may retain the same, except so far as it shall be repealed or amended by the General Assembly; provided that every such charter is hereby amended so as to conform to all the provisions, restrictions and powers set forth in this article, or otherwise provided in this Constitution.

Notwithstanding, however, anything in this article contained, the General Assembly may, by general or by special act (passed as prescribed in Article Four of this Constitution), depart in any respect (except as otherwise in this section expressly provided) from the form of organization and government prescribed by this article for cities and towns, and may provide from time to time for the various cities and towns of the Commonwealth, such form or forms of municipal government as the General Assembly may deem best; but no form or forms of government authorized by the second paragraph of this section shall become operative except as to such cities or towns as may thereafter adopt the same by a majority vote of its qualified electors at an election to be held as may be prescribed therefor by law. All the limitations on the powers of the councils of cities and towns imposed by this article shall apply in like manner to the principal legislative authority under any form of government which may be authorized hereunder. The term "council," as used in sections one hundred and twenty-five and one hundred and twenty-seven of this

Constitution, shall be construed to include the body which, under any form of municipal government, shall be vested with the principal legislative authority of such municipality.

The General Assembly, for the purpose of this article, may classify cities according to their population, but the maximum population prescribed for any class shall exceed the minimum for the same class by at least ten thousand. The General Assembly, at the request, made in manner which may be prescribed by law, of any city having a population of over fifty thousand inhabitants, may grant a special form of government for such city.

Any laws or charters enacted pursuant to the provisions of this section shall be subject to the provisions of this Constitution relating expressly to judges and clerks of courts, attorneys for the Commonwealth, commissioners of revenue, city treasurers and city sergeants.[4]

SEC. 118. In each city which has a court in whose office deeds are admitted to record, there shall be elected for a term of eight years by the qualified voters of such city a clerk of said court, who shall perform such other duties as may be required by law.

There shall be elected in like manner and for a like term all such additional clerks of courts for cities as the General Assembly may prescribe, or as are now authorized by law, so long as such courts shall continue in existence. But in no city of less than thirty thousand inhabitants shall there be more than one clerk of the court, who shall be clerk of all the courts of record in such city.

SEC. 119. In every city, so long as it has a corporation court, or a separate circuit court, there shall be elected for a term of four years by the qualified voters of such city, one attorney for the Commonwealth, who shall also, in those cities having a separate circuit court, be the attorney for the Commonwealth for such circuit court.

In every city there shall be elected for a term of four years, in a manner to be provided by law, one commissioner of revenue, whose duties and compensation shall be prescribed by law.[5]

SEC. 120. In every city there shall be elected by the qualified voters thereof one city treasurer, for a term of four years; one city sergeant, for a term of four years, whose duties shall be prescribed by law; and a mayor, for a term of four years, who shall be the chief executive officer of such city. All city and town officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities or towns, or of some division thereof, or appointed by such authorities thereof as the General Assembly shall designate.

The mayor shall see that the duties of the various city officers, members of the police and fire departments, whether elected or appointed, in and for such city, are faithfully performed. He shall have power to investigate their acts, have access to all books and documents in their offices, and may examine them and their subordinates on oath. The evidence given by persons so examined shall not be used against them in any criminal proceedings. He shall also have power to suspend such officers, and the members of the police and fire departments, and to remove such officers, and also such members of said departments when authorized by the General Assembly, for misconduct in office or neglect of duty, to be specified in the order of the suspension or removal, but no such removal shall be made without reasonable notice to the officer complained of, and an opportunity afforded him to be heard in person, or by counsel, and to present testimony in his defense. From such order of suspension or removal, the city officer so suspended or removed shall have an

[4] Amendment proposed and adopted by the general assembly of 1910, re-adopted by the general assembly of 1912, and ratified on Nov. 5, 1912.

[5] Amendment proposed and adopted by the general assembly of 1908, re-adopted by the general assembly of 1910, and ratified on Nov. 8, 1910. By virtue of an error in drafting the measure by which amended section 119 and amended section 120 were submitted to the electors, both sections were submitted as a single proposition and voted on together instead of separately as the constitution provides. Accordingly the general assembly of 1912 re-submitted sections 119 and 120 as separate propositions and they were approved separately on Nov. 5, 1912.

appeal of right to the corporation court, or, if there be no such court, to the circuit court of such city, in which court the case shall be heard de novo by the judge thereof, whose decision shall be final. He shall have all the other powers and duties which may be conferred and imposed upon him by general laws.[6]

SEC. 121. There shall be in every city a council, composed of two branches having a different number of members, whose powers and terms of office shall be prescribed by law, and whose members shall be elected by the qualified voters of such city, in the manner prescribed by law, but so as to give, as far as practicable, to each ward of such city, equal representation in each branch of said council in proportion to the population of such ward; but in cities of under ten thousand population the General Assembly may permit the council to consist of one branch. No member of the council shall be eligible during his tenure of office as such member, or for one year thereafter, to any office to be filled by the council by election or appointment. The council of every city may, in a manner prescribed by law, increase or diminish the number, and change the boundaries of the wards thereof, and shall, in the year nineteen hundred and three, and in every tenth year thereafter, and also whenever the boundaries of such wards are changed, re-apportion the representation in the council among the wards in a manner prescribed by law; and whenever the council of any such city shall fail to perform the duty so prescribed, a mandamus shall lie on behalf of any citizen thereof to compel its performance.

SEC. 122. The mayors and councils of cities shall be elected on the second Tuesday in June, and their terms of office shall begin on the first day of September succeeding. All other elective officers, provided for by this article, or hereafter authorized by law, shall be elected on the Tuesday after the first Monday in November, and their terms of office shall begin on the first day of January succeeding, except that the terms of office of clerks of the city courts shall begin coincidently with that of the judges of said courts; provided, that the General Assembly may change the time of election of all or any of the said officers, except that the election and the beginning of the terms of mayors and councils of cities shall not be made by the General Assembly to occur at the same time with the election and beginning of the terms of office of the other elective officers provided for by this Constitution.

SEC. 123. Every ordinance, or resolution having the effect of an ordinance, shall, before it becomes operative, be presented to the mayor. If he approve he shall sign it; but if not, if the council consist of two branches, he may return it, with his objections in writing, to the clerk, or other recording officer, of that branch in which it originated; which branch shall enter the objections at length on its journal and proceed to reconsider it. If, after such consideration, two-thirds of all the members elected thereto shall agree to pass the ordinance or resolution, it shall be sent, together with the objections, to the other branch, by which it shall likewise be considered, and if approved by two-thirds of all the members elected thereto, it shall become operative notwithstanding the objections of the mayor. But in all such cases the votes of both branches of the council shall be determined by yeas and nays, and the names of the members voting for and against the ordinance or resolution shall be entered on the journal of each branch. If the council consists of a single branch, the mayor's objections in writing to any ordinance, or resolution having the effect of an ordinance, shall be returned to the clerk, or other recording officer of the council, and be entered at length on its journal; whereupon the council shall proceed to reconsider the same. Upon such consideration the vote shall be taken in the same manner as where the council consists of two branches, and if the ordinance or resolution be approved by two-thirds of all the members elected to the council, it shall become operative notwithstanding the objections of the mayor. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted), after it shall have been presented to him,

[6] Amendment proposed and adopted by the general assembly of 1908, re-adopted by the general assembly of 1910, and ratified on Nov. 8, 1910. Re-submitted by the general assembly of 1912 and re-adopted on Nov. 5, 1912. See Note No. 5.

it shall become operative in like manner as if he had signed it, unless his term of office, or that of the council, shall expire within said five days.

The mayor shall have the power to veto any particular item or items of an appropriation ordinance or resolution; but the veto shall not affect any item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section as to ordinances or resolutions not approved by the mayor. No ordinance or resolution appropriating money exceeding the sum of one hundred dollars, imposing taxes, or authorizing the borrowing of money, shall be passed, except by a recorded affirmative vote of a majority of all the members elected to the council or to each branch thereof where there are two; and in case of the veto by the mayor of such ordinance or resolution, it shall require a recorded affirmative vote of two-thirds of all the members elected to the council, or to each branch thereof where there are two, to pass the same over such veto in the manner provided in this section. Nothing contained in this section shall operate to repeal or amend any provision in any existing city charter requiring a two-thirds vote for the passage of any ordinance as to the appropriation of money, imposing taxes or authorizing the borrowing of money.

SEC. 124. No street railway, gas, water, steam, or electric heating, electric light or power, cold storage, compressed air, viaduct, conduit, telephone, or bridge company, nor any corporation, association, person or partnership, engaged in these or like enterprises, shall be permitted to use the streets, alleys, or public grounds of a city or town without the previous consent of the corporate authorities of such city or town.

SEC. 125. The rights of no city or town in and to its water front, wharf property, public landings, wharves, docks, streets, avenues, parks, bridges, and other public places, and its gas, water, and electric works shall be sold except by an ordinance or resolution passed by a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, and under such other restrictions as may be imposed by law; and in case of the veto by the mayor of such an ordinance or resolution, it shall require a recorded affirmative vote of three-fourths of all the members elected to the council, or to each branch thereof where there are two, had in the manner heretofore provided for in this article, to pass the same over the veto. No franchise, lease or right of any kind to use such public property or any other public property, or easement of any description, in a manner not permitted to the general public, shall be granted for a longer period than thirty years. Before granting any such franchise or privilege for a term of years, except for a trunk railway, the municipality shall first, after due advertisement, receive bids therefor publicly, in such manner as may be provided by law, and shall then act as may be required by law. Such grant, and any contract in pursuance thereof, may provide that upon the termination of the grant the plant, as well as the property, if any, of the grantee in the streets, avenues, and other public places shall thereupon, without compensation to the grantee, or upon the payment of a fair valuation therefor, be and become the property of the said city or town; but the grantee shall be entitled to no payments by reason of the value of the franchise; and any such plant or property acquired by a city or town may be sold or leased, or, if authorized by law, maintained, controlled and operated, by such city or town. Every such grant shall specify the mode of determining any valuation therein provided for, and shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and the maintenance of the property in good order throughout the term of the grant. Nothing herein contained shall be construed as preventing the General Assembly from prescribing additional restrictions on the powers of cities and towns in granting franchises or in selling or leasing any of their property, or as repealing any additional restrictions now required in relation thereto in any existing municipal charter.

SEC. 126. The General Assembly shall provide by general laws for the

extension and the contraction, from time to time, of the corporate limits of cities and towns; and no special act for such purpose shall be valid.

SEC. 127. No city or town shall issue bonds or other interest-bearing obligations for any purpose, or in any manner, to an amount which, including existing indebtedness, shall, at any time, exceed eighteen per centum of the assessed valuation of the real estate in the city or town subject to taxation, as shown by the last preceding assessment for taxes; provided, however, that nothing above contained in this section shall apply to those cities and towns whose charters existing at the adoption of this Constitution authorize a larger percentage of indebtedness than is authorized by this section; and provided further, that in determining the limitation of the power of a city or town to incur indebtedness; there shall not be included the following classes of indebtedness.

(a) Certificates of indebtedness, revenue bonds or other obligations issued in anticipation of the collection of the revenue of such city or town for the then current year, provided, that such certificates, bonds or other obligations mature within one year from the date of their issue, and be not past due, and do not exceed the revenue for such year.

(b) Bonds authorized by an ordinance enacted in accordance with section One Hundred and Twenty-three, and approved by the affirmative vote of the majority of the qualified voters of the city or town voting upon the question of their issuance, at the general election next succeeding the enactment of the ordinance, or at a special election held for that purpose, for a supply of water or other specific undertaking from which the city or town may derive revenue; but from and after a period to be determined by the council, not exceeding five years from the date of such election, whenever and for so long as such undertaking fails to produce sufficient revenue to pay for cost of operation and administration (including interest on bonds issued therefor, and the cost of insurance against loss by injury to persons or property), and an annual amount to be covered into a sinking fund sufficient to pay, at or before maturity, all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the power to incur indebtedness, unless the principal and interest thereof be made payable exclusively from the receipts of the undertaking.

SEC. 128. In cities and towns the assessment of real estate and personal property for the purpose of municipal taxation, shall be the same as the assessment thereof for the purpose of State taxation, whenever there shall be a State assessment of such property.

ARTICLE IX.

EDUCATION AND PUBLIC INSTRUCTION.

SEC. 129. The General Assembly shall establish and maintain an efficient system of public free schools throughout the State.

SEC. 130. The general supervision of the school system shall be vested in a State Board of Education, composed of the Governor, Attorney General, Superintendent of Public Instruction, and three experienced educators to be elected quadrennially by the Senate, from a list of eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors or trustees, of the University of Virginia, the Virginia Military Institute, the Virginia Polytechnic Institute, the State Female Normal School at Farmville, the School for the Deaf and Blind, and also of the College of William and Mary, so long as the State continues its annual appropriation to the last named institution.

The board thus constituted shall select and associate with itself two division superintendents of schools, one from a county and the other from a city, who shall hold office for two years, and whose powers and duties shall be identical with those of other members, except that they shall not participate in the appointment of any public school official.

Any vacancy occurring during the term of any member of the board shall be filled for the unexpired term by said board.

SEC. 131. The Superintendent of Public Instruction, who shall be an ex-

perienced educator, shall be elected by the qualified voters of the State at the same time and for the same term as the Governor. Any vacancy in said office shall be filled for the unexpired term by the said board.

His duties shall be prescribed by the State Board of Education, of which he shall be ex officio president; and his compensation shall be fixed by law.

SEC. 132. The duties and powers of the State Board of Education shall be as follows:

First. It may, in its discretion, divide the State into appropriate school divisions, comprising not less than one county or city each, but no county or city shall be divided in the formation of such division. It shall, subject to the confirmation of the Senate, appoint, for each of such divisions, one superintendent of schools, who shall hold office for four years, and shall prescribe his duties, and may remove him for cause and upon notice.

Second. It shall have, regulated by law, the management and investment of the school fund.

Third. It shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the force and effect of law, subject to the authority of the General Assembly to revise, amend, or repeal the same.

Fourth. It shall select text books and educational appliances for use in the schools of the State, exercising such discretion as it may see fit in the selection of books suitable for the schools in the cities and counties respectively.

Fifth. It shall appoint a board of directors, consisting of five members, to serve without compensation, which shall have the management of the State Library and the appointment of a librarian and other employees thereof, subject to such rules and regulations as the General Assembly shall prescribe; but the Supreme Court of Appeals shall have the management of the law library and the appointment of the librarian and other employees thereof.

SEC. 133. Each magisterial district shall constitute a separate school district, unless otherwise provided by law. In each school district there shall be three trustees selected, in the manner and for the term of office prescribed by law.

SEC. 134. The General Assembly shall set apart, as a permanent and perpetual literary fund, the present literary fund of the State; the proceeds of all public lands donated by Congress for public free school purposes; of all escheated property; of all waste and unappropriated lands; of all property accruing to the State by forfeiture, and all fines collected for offenses committed against the State, and such other sums as the General Assembly may appropriate.

SEC. 135. The General Assembly shall apply the annual interest on the literary fund; that portion of the capitation tax provided for in the Constitution to be paid into the State treasury, and not returnable to the counties and cities; and an annual tax on property of not less than one nor more than five mills on the dollar to the schools of the primary and grammar grades, for the equal benefit of all of the people of the State, to be apportioned on a basis of school population; the number of children between the ages of seven and twenty years in each school district to be the basis of such apportionment, but if at any time the several kinds or classes of property shall be segregated for the purposes of taxation, so as to specify and determine upon what subjects State taxes and upon what subjects local taxes may be levied, then the General Assembly may otherwise provide for a fixed appropriation of State revenue to the support of the schools not less than that provided in this section.

SEC. 136. Each county, city, town, if the same be a separate school district, and school district is authorized to raise additional sums by a tax on property, not to exceed in the aggregate five mills on the dollar in any one year, to be apportioned and expended by the local school authorities of said counties, cities, towns and districts in establishing and maintaining such schools as in their judgment the public welfare may require; provided, that such primary schools as may be established in any school year, shall be maintained at least four months of that school year, before any part of the fund assessed and collected may be devoted to the establishment of schools of higher grade.

The boards of supervisors of the several counties, and the councils of the several cities, and towns if the same be separate school districts, shall provide for the levy and collection of such local school taxes.

SEC. 137. The General Assembly may establish agricultural, normal, manual training and technical schools, and such grades of schools as shall be for the public good.

SEC. 138. The General Assembly may, in its discretion, provide for the compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and writ, or are attending private schools, or are excused for cause by the district school trustees.

SEC. 139. Provisions shall be made to supply children attending the public schools with the necessary text-books in cases where the parent or guardian is unable, by reason of poverty, to furnish them.

SEC. 140. White and colored children shall not be taught in the same school.

SEC. 141. No appropriation of public funds shall be made to any school or institution of learning not owned or exclusively controlled by the State or some political subdivision thereof; provided, first, that the General Assembly may, in its discretion, continue the appropriations to the College of William and Mary; second, that this section shall not be construed as requiring or prohibiting the continuance or discontinuance by the General Assembly of the payment of interest on certain bonds held by certain schools and colleges as provided by an act of the General Assembly, approved February twenty-third, eighteen hundred and ninety-two, relating to bonds held by schools and colleges; third, that counties, cities, towns and districts may make appropriations to non-sectarian schools of manual, industrial, or technical training, and also to any school or institution of learning owned or exclusively controlled by such county, city, town, or school district.

SEC. 142. Members of the boards of visitors or trustees of educational institutions shall be appointed as may be provided by law, and shall hold for the term of four years, provided, that at the first appointment, if the board be of an even number, one-half of them, or if an odd number, the least majority of them, shall be appointed for two years.

ARTICLE X.

AGRICULTURE AND IMMIGRATION.

SEC. 143. There shall be a Department of Agriculture and Immigration which shall be permanently maintained at the capitol of the State, and which shall be under the management and control of a Board of Agriculture and Immigration, composed of one member from each congressional district, who shall be a practical farmer, appointed by the Governor for a term of four years, subject to confirmation by the Senate, and the president of the Virginia Polytechnic Institute, who shall be ex-officio a member of the board; provided that members of the board first appointed under this Constitution from the congressional districts bearing odd numbers shall hold office for two years.

SEC. 144. The powers and duties of the board shall be prescribed by law provided, that it shall have power to elect and remove its officers, and establish elsewhere in the State subordinate branches of said department.

SEC. 145. There shall be a Commissioner of Agriculture and Immigration whose term of office shall be four years, and who shall be elected by the qualified voters of the State, and whose powers and duties shall be prescribed by the Board of Agriculture and Immigration until otherwise provided by law.

SEC. 146. The president of the Board of Agriculture and Immigration shall be ex-officio a member of the Board of Visitors of the Virginia Polytechnic Institute.

ARTICLE XI.

PUBLIC INSTITUTIONS AND PRISONS.

SEC. 147. There shall be a State penitentiary, with such branch prisons and prison farms as may be provided by law.

SEC. 148. There shall be appointed by the Governor, subject to confirmation by the Senate, a board of five directors, which, subject to such regulations and requirements as may be prescribed by law, shall have the government and control of the penitentiary, branch prisons and prison farms, and shall appoint the superintendents and surgeons thereof. The respective superintendents shall appoint, and may remove, all other officers and employees of the penitentiary, branch prisons and prison farms, subject to the approval of the board of directors. The superintendents and surgeons shall be appointed for a term of four years, and be removable by the board of directors for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The terms of the directors first appointed shall be one, two, three, four and five years, respectively, and thereafter, upon the expiration of the term of a director, his successor shall be appointed for a term of five years.

SEC. 149. For each State hospital for the insane now existing, or hereafter established, there shall be a special board of directors, consisting of three members, who shall be appointed by the Governor, subject to confirmation by the Senate; such board shall have the management of the hospital for which it is appointed, under the supervision and control of the general board of directors hereinafter constituted. The terms of the directors first appointed shall be two, four and six years, respectively, and thereafter, upon the expiration of the term of a member, his successor shall be appointed for a term of six years.

SEC. 150. There shall be a general board of directors for the control and management of all the State hospitals for the insane now existing or hereafter established, which shall consist of all the directors appointed members of the several special boards. The general board of directors shall be subject to such regulations and requirements as the General Assembly may from time to time prescribe, and shall have full power and control over the special boards of directors and all of the officers and employees of the said hospitals.

SEC. 151. The general board of directors shall appoint for a term of four years a superintendent for each hospital, who shall be removable by said board for misbehavior, incapacity, neglect of official duty, or acts performed without authority of law. The special board of each hospital shall, subject to the approval of the general board, appoint for a term of four years all other resident officers. The superintendent of each hospital shall appoint, and may remove, with the approval of the special board, all other employees of such hospital.

SEC. 152. There shall be a Commissioner of State Hospitals for the Insane, who shall be appointed by the Governor, subject to confirmation by the Senate, for a term of four years. He shall be ex-officio chairman of the general and of each of the special boards of directors, and shall be responsible for the proper disbursement of all moneys appropriated or received from any source for the maintenance of such hospitals; he shall cause to be established and maintained at all of the hospitals a uniform system of keeping the records and the accounts of money received and disbursed and of making the reports thereof. He shall perform such other duties and shall execute such bond and receive such salary as may be prescribed by law.

ARTICLE XII.

CORPORATIONS.

SEC. 153. As used in this article, the term "corporation" or "company" shall include all trusts, associations and joint stock companies having any powers or privileges not possessed by individuals or unlimited partnerships, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall be construed to mean the charter of incorporation by, or under, which any such corporation is formed; the term "transportation company" shall include any company, trustee, or other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat or steamship line, and also any freight car company, car association, or car trust, express company, or company, trustee or person in any way engaged in business as a common carrier over a route acquired in whole or in part

under the right of eminent domain; the term "rate" shall be construed to mean "rate of charge for any service rendered or to be rendered"; the terms "rate," "charge" and "regulation" shall include joint rates, joint charges and joint regulations, respectively; the term "transmission company" shall include any company owning, leasing, or operating for hire, any telegraph or telephone line; the term "freight" shall be construed to mean any property transported, or received for transportation, by any transportation company; the term "public service corporation" shall include all transportation and transmission companies, all gas, electric light, heat and power companies, and all persons authorized to exercise the right of eminent domain, or to use or occupy any street, alley or public highway, whether along, over, or under the same, in a manner not permitted to the general public; the term "person," as used in this article, shall include individuals, partnerships and corporations, in the singular as well as plural number; the term "bond" shall mean all certificates, or written evidences, of indebtedness issued by any corporation and secured by mortgage of trust deed; the term "frank" shall be construed to mean any writing or token, issued by, or under authority of, a transmission company, entitling the holder to any service from such company free of charge. The provisions of this article shall always be so restricted in their application as not to conflict with any of the provisions of the Federal Constitution, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

SEC. 154. The creation of corporations, and the extension and amendment of charters (whether heretofore or hereafter granted), shall be provided for by general laws, and no charter shall be granted, amended or extended by special act, nor shall authority in such matters be conferred upon any tribunal or officer, except to ascertain whether the applicants have, by complying with the requirements of the law, entitled themselves to the charter, amendment or extension applied for, and to issue, or refuse, the same accordingly. Such general laws may be amended or repealed by the General Assembly; and all charters and amendments of charters, now existing and revocable, or hereafter granted or extended, may be repealed at any time by special act. Provision shall be made, by general laws, for the voluntary surrender of its charter by any corporation, and for the forfeiture thereof for non-user or misuser. The General Assembly shall not, by special act, regulate the affairs of any corporation, nor, by such act, give it any rights, powers or privileges.

SEC. 155. A permanent commission, to consist of three members, is hereby created, which shall be known as the State Corporation Commission. The commissioners shall be appointed by the Governor, subject to confirmation by the General Assembly in joint session, and their regular terms of office shall be six years, respectively, except those first appointed under this Constitution, of whom, one shall be appointed to hold office until the first day of February nineteen hundred and four, one, until the first day of February, nineteen hundred and six, and one, until the first day of February, nineteen hundred and eight. Whenever a vacancy in the commission shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term subject to confirmation by the General Assembly as aforesaid. Commissioners appointed for regular terms shall, at the beginning of the terms for which appointed, and those appointed to fill vacancies shall, immediately upon their appointments, enter upon the duties of their office; but no person so appointed either for a regular term, or to fill a vacancy, shall enter upon, or continue in, office after the General Assembly shall have refused to confirm his appointment, or adjourn sine die without confirming the same, nor shall he be eligible for reappointment to fill the vacancy caused by such refusal or failure to confirm. No person while employed by, or holding any office in relation to, any transportation or transmission company, or while in any wise financially interested therein, or while engaged in practicing law, shall hold office as a member of said commission, or perform any of the duties thereof. At least one of the commissioners shall have the qualifications prescribed for judges of the Supreme Court of Appeals; and any commissioner may be impeached or removed in the manner provided for the impeachment or removal of a judge of said court

The commission shall annually elect one of their members chairman of the same, and shall have one clerk, one bailiff and such other clerks, officers, assistants and subordinates as may be provided by law, all of whom shall be appointed, and subject to removal, by the commission. It shall prescribe its own rules of order and procedure, except so far as the same are specified in this Constitution or any amendment thereof. The General Assembly may establish within the department, and subject to the supervision and control of the commission, subordinate divisions, or bureaus, of insurance, banking or other special branches of the business of that department. All sessions of the commission shall be public, and a permanent record shall be kept of all its judgments, rules, orders, findings and decisions, and of all reports made to, or by, it. Two of the commissioners shall constitute a quorum for the transaction of business, whether there be a vacancy in the commission or not. The commission shall keep its office open for business on every day except Sundays and legal holidays. Transportation companies shall at all times transport, free of charge, within this State, the members of said commission and its officers, or any of them, when engaged on their official duties. The General Assembly shall provide suitable quarters for the commission and funds for its lawful expenses, including pay for witnesses summoned, and cost of executing processes issued, by the commission of its own motion; and shall fix the salaries of the members, clerks, assistants and subordinates of the commission and provide for the payment thereof; but the salary of each commissioner shall not be less than four thousand dollars per annum. After the first day of January, nineteen hundred and eight, the General Assembly may provide for the election of the members of the commission by the qualified voters of the State; in which event, vacancies thereafter occurring shall be filled as hereinbefore provided, until the expiration of twenty days after the next general election, held not less than sixty days after the vacancy occurs, at which election the vacancy shall be filled for the residue of the unexpired term.

SEC. 156 (a) Subject to the provisions of this Constitution and to such requirements, rules and regulations as may be prescribed by law, the State Corporation Commission shall be the department of government through which shall be issued all charters and amendments or extensions thereof, for domestic corporations, and all licenses to do business in this State to foreign corporations; and through which shall be carried out all the provisions of this Constitution, and of the laws made in pursuance thereof, for the creation, visitation, supervision, regulation and control of corporations chartered by, or doing business in, this State. The commission shall prescribe the forms of all reports which may be required of such corporations by this Constitution or by law; it shall collect, receive and preserve such reports, and annually tabulate and publish them in statistical form; it shall have all the rights and powers of, and perform all the duties devolving upon, the Railroad Commissioner and the Board of Public Works, at the time this Constitution goes into effect, except so far as they are inconsistent with this Constitution, or may be hereinafter abolished or changed by law.

(b) The commission shall have the power, and be charged with the duty, of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies; and to that end the commission shall, from time to time, prescribe, and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all such public service, facilities and conveniences, as may be reasonable and just, which said rates, charges, classifications, rules, regulations and requirements, the commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right at all times to inspect the books and papers of all transportation and transmission com-

panies doing business in this State, and to require from such companies, from time to time, special reports and statements under oath, concerning their business; it shall keep itself fully informed of the physical condition of all of the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules and regulations as may be necessary to prevent unjust or unreasonable discriminations by any transportation or transmission company in favor of, or against, any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation or otherwise, in connection with the public duties of such company. Before the commission shall prescribe or fix any rate, charge, or classification of traffic, and before it shall make any order, rule, regulation or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation or requirement, shall first be given, by the commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before the commission shall make or prescribe any general order, rule, regulation or requirement, not directed against any specific company or companies by names, the contemplated general order, rule, regulation or requirement shall first be published, in substance, not less than once a week for four consecutive weeks in one or more of the newspapers of general circulation published in the city of Richmond, Virginia, together with notice of the time and place, when and where the commission will hear any objections which may be urged by any person interested, against the proposed order, rule, regulation or requirement; and every such general order, rule, regulation or requirement, made by the commission, shall be published at length, for the time and in the manner above specified, before it shall go into effect, and shall also, as long as it remains in force, be published in each subsequent annual report of the commission. The authority of the commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges and classifications of traffic, for transportation and transmission companies, shall be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the General Assembly to legislate thereon by general laws; provided, however, that nothing in this section shall impair the right which has heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations or rates of charge to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town or county, so far as such service may be wholly within the limits of the city, town or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies between transportation or transmission companies and their patrons.

(c) In all matters pertaining to the public visitation, regulation or control of corporations, and within the jurisdiction of the commission, it shall have the powers and authority of a court of record, to administer oaths, to compel the attendance of witnesses and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of this commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and enforcing by its own appropriate process, against the delinquent or offending company (after it shall have been first duly cited, proceeded against by due process of law before the commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness or reasonableness of the order or requirement alleged to have been violated, as against the

liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisement of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the commission, within such reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed, or authorized by law, and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the commission, shall be a separate offence; provided, that should the operation of such order or requirement be suspended pending an appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

(d) From any action of the commission prescribing rates, charges or classifications of traffic, or affecting the train schedule of any transportation company, or requiring additional facilities, conveniences or public service of any transportation or transmission company, or refusing to approve a suspending bond, or requiring additional security thereon or an increase thereof, as provided for in sub-section (e) of this section, an appeal (subject to such reasonable limitations as to time, regulations as to procedure and provisions as to costs, as may be prescribed by law) may be taken by the corporation whose rates, charges or classification of traffic, schedule, facilities, conveniences or service, are affected, or by any person deeming himself aggrieved by such action, or (if allowed by law) by the Commonwealth. Until otherwise provided by law, such appeal shall be taken in the manner in which appeals may be taken to the Supreme Court of Appeals from the inferior courts, except that such an appeal shall be of right, and the Supreme Court of Appeals may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are applicable. If such appeal be taken by the corporation whose rates, charges or classifications of traffic, schedules, facilities, conveniences or service are affected, the Commonwealth shall be made the appellee; but, in the other cases mentioned, the corporation so affected shall be made the appellee. The General Assembly may also, by general laws, provide for appeals from any other action of the commission, by the Commonwealth or by any person interested, irrespective of the amount involved. All appeals from the commission shall be to the Supreme Court of Appeals only; and in all appeals to which the Commonwealth is a party, it shall be represented by the Attorney General or his legally appointed representative. No court of this Commonwealth (except the Supreme Court of Appeals, by way of appeals as herein authorized) shall have jurisdiction to review, reverse, correct or annul any action of the commission, within the scope of its authority, or to suspend or delay the execution or operation thereof, or to enjoin, restrain or interfere with the commission in the performance of its official duties; provided, however, that the writs of mandamus and prohibition shall issue from the Supreme Court of Appeals to the commission in all cases where such writs, respectively, would lie to any inferior tribunal or officer.

(e) Upon the granting of an appeal, a writ of supersedeas may be awarded by the appellate court, suspending the operation of the action appealed from until the final disposition of the appeal; but, prior to the final reversal thereof by the appellate court, no action of the commission prescribing or affecting the rates, charges or classification of traffic, of any transportation or transmission company shall be delayed, or suspended, in its operation, by

reason of any proceedings resulting from such appeal until a suspending bond shall first have been executed and filed with, and approved by, the commission (or approved on review by the Supreme Court of Appeals), payable to the Commonwealth, and sufficient in amount and security to insure the prompt refunding, by the appealing corporation, to the parties entitled thereto, of all charges which such company may collect or receive, pending the appeal, in excess of those fixed, or authorized, by the final decision of the court on appeal. The commission, upon the execution of such bond, shall forthwith require the appealing company, under penalty of the immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order or requirement appealed from, to keep such accounts, and to make to the commission, from time to time, such reports, verified by oath, as may, in the judgment of the commission, suffice to show the amounts being charged or received by the company, pending the appeal, in excess of the charge allowed by the action of the commission appealed from, together with the names and addresses of the persons to whom such overcharges will be refundable in case the charges made by the company pending the appeal be not sustained on such appeal; and the commission shall also, from time to time, require such company, under like penalty, to give additional security on, or to increase, the said suspending bond, whenever, in the opinion of the commission, the same may be necessary to insure the prompt refunding of the overcharges aforesaid. Upon the final decision of such appeal, all amounts which the appealing company may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the company to the parties entitled thereto, in such manner, and through such methods of distribution, as may be prescribed by the commission, or by law. All such appeals affecting rates, charges or classifications of traffic, shall have precedence upon the docket of the appellate court, and shall be heard and disposed of promptly by the court, irrespective of its place of session, next after the habeas corpus, and Commonwealth's, cases already on the docket of the court.

(f) In no case of appeal from the commission shall any new or additional evidence be introduced in the appellate court; but the chairman of the commission, under the seal of the commission, shall certify to the appellate court all the facts upon which the action appealed from was based and which may be essential for the proper decision of the appeal, together with such of the evidence introduced before, or considered by, the commission as may be selected, specified and required to be certified, by any party in interest, as well as such other evidence, so introduced or considered, as the commission may deem proper to certify. The commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the appellate court upon disposing of the appeal. The appellate court shall have jurisdiction, on such appeal, to consider and determine the reasonableness and justness of the action of the commission appealed from, as well as any other matter arising under such appeal; provided, however, that the action of the commission appealed from shall be regarded as prima facie just, reasonable and correct; but the court may, when it deems necessary, in the interest of justice, remand to the commission any case pending on appeal, and require the same to be further investigated by the commission, and reported upon to the court (together with a certificate of such additional evidence as may be tendered before the commission by any party in interest), before the appeal is finally decided.

(g) Whenever the court, upon appeal, shall reverse an order of the commission affecting the rates, charges or the classification of traffic of any transportation or transmission company, it shall, at the same time, substitute therefor such order as, in its opinion, the commission should have made at the time of entering the order appealed from; otherwise the reversal order shall not be valid. Such substituted order shall have the same force and effect (and none other) as if it had been entered by the commission at the time the original order appealed from was entered. The right of the commission

prescribe and enforce rates, charges, classifications, rules and regulations, affecting any or all actions of the commission theretofore entered by it and appealed from, but based upon circumstances or conditions different from those existing at the time the order appealed from was made, shall not be suspended or impaired by reason of the pendency of such appeal, but no order of the commission, prescribing or altering such rates, charges, classifications, rules or regulations, shall be retroactive.

(h) The right of any person to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any transportation or transmission company, for any claim or cause of action against such company, shall not be extinguished or impaired, by reason of any fine or other penalty which the commission may impose, or be authorized to impose, upon such company because of its breach of any public duty, or because of its failure to comply with any order or requirement of the commission; but, in no such proceeding by any person against such corporation, nor in any collateral proceeding, shall the reasonableness, justness or validity of any rate, charge, classification of traffic, rule, regulation or requirement, theretofore, prescribed by the commission, within the scope of its authority, and then in force, be questioned; provided, however, that no case based upon or involving any order of the commission shall be heard, or disposed of, against the objection of either party, so long as such order is suspended in its operation by an order of the Supreme Court of Appeals as authorized by this Constitution or by any law passed in pursuance thereof.

(i) The commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or to the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.[7]

(k) Upon the organization of the State Corporation Commission, the Board of Public Works and the office of Railroad Commissioner shall cease to exist, and all books, papers and documents pertaining thereto shall be transferred to, and become a part of the records of, the office of the State Corporation Commission.

(l) After the first day of January, nineteen hundred and five, in addition to the modes of amendment provided for in Article Fifteen of this Constitution, the General Assembly, upon the recommendation of the State Corporation Commission, may by law, from time to time amend sub-sections a to i, inclusive, of this section, or any of them, or any such amendment thereof; provided, that no amendment made under authority of this sub-section shall contravene the provisions of any part of this Constitution other than the sub-sections last above referred to or any such amendment thereof.

SEC. 157. Provisions shall be made by general laws for the payment of a fee to the Commonwealth by every domestic corporation, upon the granting, amendment or extension of its charter, and by every foreign corporation upon obtaining a license to do business in this State as specified in this section; and also for the payment, by every domestic corporation, and foreign corporation doing business in this State, or an annual registration fee of not less than five dollars nor more than twenty-five dollars, which shall be irrespective of any specific license, or other tax imposed by law upon such company for the privilege of carrying on its business in this State, or upon its franchise or property; and for the making, by every such corporation (at the time of paying such annual registration fee), of such report to the State Corporation Commission, of the status, business or condition of such corporation, as the General Assembly may prescribe. No foreign corporation shall have authority to do business in this State until it shall have first obtained from the commission a license to do business in this State, upon such terms and conditions as may be prescribed by law. The failure by any corporation for two successive years to pay its annual registration fee, or to make its said annual reports, shall, when such failure shall have continued for ninety days after the expiration of such two years, operate as a revocation and annulment of the charter of such corpora-

[7] There is no sub-section "(j)" in the original rolls of the constitution.

tion, if it be a domestic company, or, of its license to do business in this State if it be a foreign company; and the General Assembly shall provide additional and suitable penalties for the failure of any corporation to comply promptly with the requirements of this section, or of any laws passed in pursuance thereof. The commission shall compel all corporations to comply promptly with such requirements, by enforcing, in the manner hereinbefore authorized, such fines and penalties against the delinquent company as may be provided for, or authorized by, this article; but the General Assembly may relieve from the payment of the said registration fee any purely charitable institution or institutions.

SEC. 158. Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be conclusively presumed to have thereby surrendered every exemption from taxation, and every non-repealable feature of its charter and of the amendments thereof, and also all exclusive rights or privileges theretofore granted to it by the General Assembly and not enjoyed by other corporations of a similar general character; and to have thereby agreed to thereafter hold its charter and franchises, and all amendments thereof, under the provisions and subject to all the requirements, terms and conditions, of this Constitution and of any laws passed in pursuance thereof, so far as the same may be applicable to such corporation.

SEC. 159. The exercise of the right of eminent domain shall never be abridged, nor so construed as to prevent the General Assembly from taking the property and franchises of corporations and subjecting them to public use, the same as the property of individuals, and the exercise of the police power of the State shall never be abridged, nor so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

SEC. 160. No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same class of passengers or property, or for transmitting the same class of messages, over a shorter than over a longer distance, along the same line and in the same direction—the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The State Corporation Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to the government of this State, or of the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the commission.

SEC. 161. No transportation or transmission company doing business in this State shall grant to any member of the General Assembly, or to any State, county, district or municipal officer, except to members and officers of the State Corporation Commission for their personal use while in office, any frank, free pass, free transportation, or any rebate or reduction in the rates charged by such company to the general public for like services. For violation of the provisions of this section the offending company shall be liable to such penalties as may be prescribed by law; and any member of the General Assembly, or any such officer, who shall, while in office, accept any gift, privilege or benefit as is prohibited by this section, shall thereby forfeit his office, and be subject to such further penalties as may be prescribed by law; but this section shall not prevent a street railway company from transporting free of charge any member of the police force or fire department while in the discharge of his official duties nor prohibit the acceptance by any such policeman or fireman of such free transportation

SEC. 162. The doctrine of fellow-servant, so far as it affects the liability of the master for injuries to his servant resulting from the acts or omissions of any other servant or servants of the common master, is, to the extent hereinafter stated, abolished as to every employee of a railroad company, engaged in the physical construction, repair or maintenance of its roadway, track or any of the structures connected therewith, or in any work in or upon a car or engine standing upon a track, or in the physical operation of a train, car, engine, or switch, or in any service requiring his presence upon a train, car or engine; and every such employee shall have the same right to recover for every injury suffered by him from the acts or omissions of any other employee or employees of the common master, that a servant would have (at the time when this Constitution goes into effect) if such acts or omissions were those of the master himself in the performance of a non-assignable duty; provided, that the injury, so suffered by such railroad employee, result from the negligence of an officer, or agent, of the company of a higher grade of service than himself or from that of a person, employed by the company, having the right, or charged with the duty, to control or direct the general services or the immediate work of the party injured, or the general services or the immediate work of the co-employee through, or by, whose act or omission he is injured; or that it result from the negligence of a co-employee engaged in another department of labor, or engaged upon, or in charge of, any car upon which, or upon the train to which it is a part, the injured employee is not at the time of receiving the injury, or who is in charge of any switch, signal point, or locomotive engine, or is charged with dispatching trains or transmitting telegraphic or telephonic orders therefor, and whether such negligence be in the performance of an assignable or non-assignable duty. The physical construction, repair or maintenance of the roadway, track or any of the structures connected therewith, and the physical construction, repairs, maintenance, cleaning or operation of trains, cars or engines, shall be regarded as different departments of labor within the meaning of this section. Knowledge, by any such railroad employee injured, of the defective or unsafe character or condition of any machinery, ways, appliances or structures, shall be no defence to an action for injury caused thereby. When death, whether instantaneous or not, results to such an employee from any injury for which he could have recovered, under the above provisions, had death not occurred, then his legal or personal representative, surviving consort, and relatives (and any trustee, curator, committee or guardian of such consort or relatives) shall, respectively, have the same rights and remedies with respect thereto as if his death had been caused by the negligence of a co-employee while in the performance, as vice-principal, or non-assignable duty of the master. Every contract or agreement, express or implied, made by an employee, to waive the benefit of this section, shall be null and void. This section shall not be construed to deprive any employee, or his legal or personal representatives, surviving consort or relatives (or any trustee, curator, committee or guardian of such consort or relatives), of any rights or remedies that he or they may have, by the law of the land, at the time this Constitution goes into effect. Nothing contained in this section shall restrict the power of the General Assembly to further enlarge, or the above-named class of employees, the rights and remedies hereinbefore provided for, or to extend such rights and remedies to, or otherwise enlarge the present rights and remedies of, any other class of employees of railroads or of employees of any person, firm or corporation.

SEC. 163. No foreign corporation shall be authorized to carry on, in this State, the business, or to exercise any of the powers or functions, of a public service corporation, or be permitted to do anything which domestic corporations are prohibited from doing, or be relieved from compliance with any of the requirements made of similar domestic corporations by the Constitution and laws of this State, where the same can be made applicable to such foreign corporation without discriminating against it. But this section shall not affect any public service corporation whose line or route extends across the boundary of this Commonwealth, nor prevent any foreign corporation from continuing in such lawful business as it may be actually engaged in within this State when

this Constitution goes into effect; but any such foreign public service corpora tion, so engaged, shall not, without first becoming incorporated under the law of this State, be authorized to acquire, lease, use or operate, within this Stat any public or municipal franchise or franchises in addition to such as it ma own, lease, use or operate when this Constitution goes into effect. The propert within this State, of foreign corporations shall always be subject to attachmen the same as that of non-resident individuals; and nothing in this section sha restrict the power of the General Assembly to discriminate against foreign co porations whenever, and in whatsoever respect, it may deem wise or expedien

SEC. 164. The right of the Commonwealth, through such instrumentalitie as it may select, to prescribe and define the public duties of all common carrie and public service corporations, to regulate and control them in the perfor ance of their public duties, and to fix and limit their charges therefor, sha never be surrendered nor abridged.

SEC. 165. The General Assembly shall enact laws preventing all trust combinations and monopolies, inimical to the public welfare.

SEC. 166. The exclusive right to build or operate railroads parallel to i own, or any other, line of railroad, shall not be granted to any company, bu every railroad company shall have the right, subject to such reasonable regul tions as may be prescribed by law, to parallel, intersect, connect with or cros with its roadway, any other railroad or railroads; but no railroad compan shall build or operate any line of railroad not specified in its charter, or i some amendment thereof. All railroad companies, whose lines of railroad co nect, shall receive and transport each other's passengers, freight, and loaded empty cars, without delay or discrimination. Nothing in this section shall d prive the General Assembly of the right to prevent by statute, repealable pleasure, any railroad from being built parallel to the present line of Richmon Fredericksburg and Potomac Railroad.

SEC. 167. The General Assembly shall enact general laws regulating a controlling all issues of stock and bonds by corporations. Whenever stock bonds are to be issued by a corporation, it shall, before issuing the same, fi with the State Corporation Commission a statement (verified by the oath the president or secretary of the corporation, and in such form as may be pr scribed or permitted by the commission) setting forth fully and accurately t basis, or financial plan, upon which such stock or bonds are to be issued; a where such basis or plan includes services or property (other than money), r ceived or to be received by the company, such statement shall accurately speci and describe, in the manner prescribed, or permitted, by the commission, t services and property, together with the valuation at which the same are receiv or to be received; and such corporation shall comply with any other requir ments or restrictions which may be imposed by law. The General Assemb shall provide adequate penalties for the violation of this section, or of any la passed in pursuance thereof; and it shall be the duty of the commission to a judge, and enforce (in the manner hereinbefore provided), against any corpor tion refusing or failing to comply with the provisions of this section, or of a laws passed in pursuance thereof, such fines and penalties as are authorized this Constitution, or may be prescribed by law.

ARTICLE XIII.

TAXATION AND FINANCE.

SEC. 168. All property, except as hereinafter provided, shall be taxed; taxes, whether State, local, or municipal, shall be uniform upon the same cl of subjects within the territorial limits of the authority levying the tax, a shall be levied and collected under general laws.

SEC. 169. Except as hereinafter provided, all assessments of real estate a tangible personal property shall be at their fair market value, to be ascertain as prescribed by law. The General Assembly may allow a lower rate of ta tion to be imposed for a period of years by a city or town upon land added

its corporate limits, than is imposed on similar property within its limits at the time such land is added. Nothing in this Constitution shall prevent the General Assembly, after the first day of January, nineteen hundred and thirteen, from segregating for the purposes of taxation, the several kinds or classes of property, so as to specify and determine upon what subjects State taxes, and upon what subjects, local taxes may be levied.

SEC. 170. The General Assembly may levy a tax on incomes in excess of six hundred dollars per annum; may levy a license tax upon any business which cannot be reached by the ad valorem system; and may impose State franchise taxes, and in imposing a franchise tax, may, in its discretion, make the same in lieu of taxes upon other property, in whole or in part, of a transportation industrial, or commercial corporation. Whenever a franchise tax shall be imposed upon a corporation doing business in this State, or whenever all the capital, however invested, or a corporation chartered under the laws of this State, shall be taxed, the shares of stock issued by any such corporation shall not be further taxed. No city or town shall impose any tax or assessment upon abutting land owners for street or other public local improvements, except for making and improving the walkways upon then existing streets, and improving and paving then existing alleys, and for either the construction, or for the use of sewers; and the same, when imposed, shall not be in excess of the peculiar benefits resulting therefrom to such abutting land owners. Except in cities and towns, no such taxes or assessments, for local public improvements, shall be imposed on abutting land owners.

SEC. 171. The General Assembly shall provide for a reassessment of real estate, in the year nineteen hundred and five, and every fifth year thereafter, except that of railway and canal corporations, which, after January the first, nineteen hundred and thirteen, may be assessed as the General Assembly may provide.

SEC. 172. The General Assembly shall provide for the special and separate assessment of all coal and other mineral land; but until such special assessment is made, such land shall be assessed under existing laws.

SEC. 173. The General Assembly shall levy a State capitation tax of, and not exceeding, one dollar and fifty cents per annum on every male resident of the State not less than twenty-one years of age, except those pensioned by this State for military services; one dollar of which shall be applied exclusively in aid of the public free schools, in proportion to the school population, and the residue shall be returned and paid by the State into the treasury of the county or city in which it was collected, to be appropriated by the proper county or city authorities to such county or city purposes as they shall respectively determine; but said State capitation tax shall not be a lien upon, nor collected by legal process from, the personal property which may be exempt from levy or distress under the poor debtor's law. The General Assembly may authorize the board of supervisors of any county, or the council of any city or town, to levy an additional capitation tax not exceeding one dollar per annum on every such resident within its limits, which shall be applied in aid of the public schools of such county, city or town, or for such other county, city or town purposes as they shall determine.

SEC. 174. After this Constitution shall be in force, no statute of limitation shall run against any claim of the State for taxes upon any property; nor shall the failure to assess property for taxation defeat a subsequent assessment for and collection of taxes for any preceding year or years, unless such property shall have passed to a bona fide purchaser for value, without notice; in which latter case the property shall be assessed for taxation against such purchaser from the date of his purchase.

SEC. 175. The natural oyster beds, rocks, and shoals, in the waters of this State, shall not be leased, rented or sold, but shall be held in trust for the benefit of the people of this State, subject to such regulations and restrictions as the General Assembly may prescribe, but the General Assembly may, from time to time, define and determine such natural beds, rocks or shoals, by surveys or otherwise.

SEC. 176. The State Corporation Commission shall annually ascertain and assess, at the time hereinafter mentioned, and in the manner required of the Board of Public Works, by the law in force on January the first, nineteen hundred and two, the value of the roadbed, and other real estate, rolling stock, and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each railway corporation, whatever its motive power, now or hereafter liable for taxation upon such property; the canal bed and other real estate, the boats and all other personal property whatsoever (except its franchise and the non-taxable shares of stock issued by other corporations) in this State, of each canal corporation, empowered to conduct transportation; and such property shall be taxed for State, county, city, town and district purposes in the same manner as authorized by said law, at such rates of taxation as may be imposed by them, respectively, from time to time, upon the real estate and personal property of natural persons; provided, that no tax shall be laid upon the net income of such corporations.

SEC. 177. Each such railway or canal corporation, including also any such as is exempt from taxation as to its works, visible property, or profits, shall also pay an annual State franchise tax equal to one per centum upon the gross receipts hereinafter specified in section One Hundred and Seventy-eight, for the privilege of exercising its franchises in this State, which, with the taxes provided for in section One Hundred and Seventy-six, shall be in lieu of all other taxes or license charges whatsoever upon the franchises of such corporation, the shares of stock issued by it, and upon its property assessed under section One Hundred and Seventy-six; provided, that nothing herein contained shall exempt such corporation from the annual fee required by section One Hundred and Fifty-seven of this Constitution, or from assessments for street and other public local improvements authorized by section One Hundred and Seventy; and provided further, that nothing herein contained shall annul or interfere with, or prevent any contract or agreement by ordinance between street railway corporations and municipalities, as to compensation for the use of the streets or alleys of such municipalities by such railway corporations.

SEC. 178. The amount of such franchise tax shall be equal to one per centum of the gross transportation receipts of such corporations for the year ending June the thirtieth of each year, to be ascertained by the State Corporation Commission, in the following manner:

(a) When the road or canal of the corporation lies wholly within this State, the tax shall be equal to one per centum of the entire gross transportation receipts of such corporation.

(b) When the road or canal of the corporation lies partly within and partly without this State, or is operated as a part of a line or system extending beyond this State, the tax shall be equal to one per centum of the gross transportation receipts earned within this State, to be determined as follows: By ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State; provided, that from the sum so ascertained there may be a reasonable deduction because of any excess of value of the terminal facilities or other similar advantages in other States over similar facilities or advantages in this State.

SEC. 179. Each corporation mentioned in section One Hundred and Seventy-six and One Hundred and Seventy-seven shall annually, on the first day of September, make to the State Corporation Commission the report which the law, in force January the first, nineteen hundred and two, required to be made annually to the Board of Public Works by every railroad and canal company in this State, not exempt from taxation by virtue of its charter, which report shall also show the property taxable in this State belonging to the corporation on the thirtieth day of June preceding, and its total gross transportation receipts for the year ending on that date. Upon receiving such report the State Corporation Commission shall, after thirty days' notice previously given, as provided by said law, assess the value of the property not exempt from taxation, of the corporation, and ascertain the amount of the franchise tax and other State

taxes chargeable against it. All taxes for which the corporation is liable shall be paid on or before the first day of December following. The provisions of said law, except as changed by this article, shall apply to the ascertainment and collection of the franchise, as well as other taxes of such corporation. Said taxes, until paid, shall be a lien upon the property within this State of the corporation owning the same, and take precedence of all other liens or incumbrances.

SEC. 180. Any corporation aggrieved by the assessment and ascertainment made under sections One Hundred and Seventy-six and One Hundred and Seventy-eight may, within thirty days, after receiving a certified copy thereof, apply for relief to the circuit court of the city of Richmond. Notice of the application, setting forth the grounds of complaint, verified by affidavit, shall be served on the State Corporation Commission, and on the Attorney General, whose duty it shall be to represent the State. The court, if of opinion that the assessment or tax is excessive, shall reduce the same; but, if of opinion that it is insufficient, shall increase the same. Unless the applicant paid the taxes under protest, when due, the court, if it disallow the application, shall give judgment against it for a sum, by way of damages, equal to interest at the rate of one per centum per month upon the amount of taxes from the time the same were payable. If the application be allowed, in whole or in part, appropriate relief shall be granted, including the right to recover any excess of taxes that may have been paid, with legal interest thereon, and costs, from the State or local authorities, or both, as the case may be; the judgment to be enforcable by mandamus or other process issuing from the court finally adjudicating the application. Subject to the provisions of Article Six of this Constitution, the Supreme Court of Appeals may allow a writ of error to either party.

SEC. 181. After January the first, nineteen hundred and three, the system of taxation, as to the corporation mentioned in sections One Hundred and Seventy-six and One Hundred and Seventy-seven, shall be as set forth in sections One Hundred and Seventy-six to One Hundred and Eighty, inclusive; and for that year the franchise tax shall be based upon such gross receipts for the year ending the thirtieth day of June, nineteen hundred and three, and such system shall so remain until the first day of January, nineteen hundred and thirteen, and thereafter until modified or changed, as may be prescribed by law; provided, that, if the said system shall for any reason become inoperative, the General Assembly shall have power to adopt some other system.

SEC. 182. Until otherwise prescribed by law, the shares of stock issued by trust or security companies chartered by this State, and by incorporated banks, shall be taxed in the same manner in which the shares of stock issued by incorporated banks were taxed, by the law in force January the first, nineteen hundred and two; but from the total assessed value of the shares of stock of any such company or bank, there shall be deducted the assessed value of its real estate otherwise taxed in this State, and the value of each share of stock shall be its proportion of the remainder.

SEC. 183. Except as otherwise provided in this Constitution, the following property, and no other, shall be exempt from taxation, State and local; but the General Assembly may hereafter tax any of the property hereby exempted save that mentioned in sub-section (a):

(a) Property directly or indirectly owned by the State, however held, and property lawfully owned and held by counties, cities, towns or school districts, used wholly and exclusively for county, city, town, or public-school purposes, and obligations issued by the State since the fourteenth day of February, eighteen hundred and eighty-two, or hereafter exempted by law.

(b) Buildings, with land they actually occupy, and the furniture and furnishings therein lawfully owned and held by churches or religious bodies, and wholly and exclusively used for religious worship, or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building.

(c) Private family burying-grounds not exceeding one acre in area, reserved as such by will or deed, or shown by other sufficient evidence to be reserved as

such, and so exclusively used, and public burying-grounds and lots therein exclusively used for burial purposes, and not conducted for profit, whether owned or managed by local authorities or by private corporations.

(d) Buildings, with the land they actually occupy, and the furniture, furnishings, books and instruments therein, wholly devoted to educational purposes, belonging to, and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions of learning, including the Virginia Historical Society, which are not corporations having shares of stock or otherwise owned by individuals or other corporations; together with such additional adjacent land owned by such churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively; and also the buildings thereon used as residences by the officers or instructors of such educational institutions; and also the permanent endowment funds held by such libraries and educational institutions directly or in trust, and not invested in real estate; provided, that such libraries and educational institutions are not conducted for profit of any person or persons, natural or corporate, directly, or under any guise or pretence whatsoever. But the exemption mentioned in this sub-section shall not apply to any industrial school, individual or corporate, not the property of the State, which does work for compensation, or manufactures and sells articles, in the community in which such school is located, provided, that nothing herein contained shall restrict any such school from doing work for or selling its own products or any other articles to any of its students or employees.

(e) Real estate belonging to, actually and exclusively occupied, and used by, and personal property, including endowment funds, belonging to Young Men's Christian Associations, and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(f) Buildings, with the land they actually occupy, and the furniture and furnishings therein, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and

(g) Property belonging to the Association for the Preservation of Virginia Antiquities, the Confederate Memorial Literary Society, and the Mount Vernon Ladies' Association of the Union.

No inheritance tax shall be charged, directly or indirectly, against any legacy or devise made according to law for the benefit of any institution or other body or any natural or corporate person whose property is exempt from taxation as hereinbefore mentioned in this section.

Nothing contained in this section shall be construed to exempt from taxation the property of any person, firm, association or corporation, who shall, expressly or impliedly, directly or indirectly, contract or promise to pay any sum of money or other benefit, on account of death, sickness, or accident to any of its members or any other person; and whenever any building or land, or part thereof, mentioned in this section and not belonging to the State, shall be leased or shall be a source of revenue or profit, all such buildings and land shall be liable to taxation as other land and buildings in the same county, city, or town; and nothing herein contained shall be construed as authorizing or requiring any county, city or town to tax for county, city or town purposes, in violation of the rights of the lessees thereof existing under any lawful contract heretofore made, any real estate owned by such county, city or town, and heretofore leased by it.

Obligations issued by counties, cities, or towns may be exempted by the authorities of such localities from local taxation.

SEC. 184. No debt shall be contracted by the State except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion, or defend the State in time of war. No scrip, certificate, or other evidence of State indebtedness, shall be issued except for

he transfer or redemption of stock previously issued, or for such debts as re expressedly authorized in this Constitution.

Sec. 185. Neither the credit of the State, nor of any county, city, or own, shall be directly or indirectly, under any device or pretence whatsoever, ranted to or in aid of any person, association, or corporation; nor shall the State, or any county, city, or town subscribe to or become interested in the tock or obligations of any company, association or corporation, for the pur- ose of aiding in the construction or maintenance of its work; nor shall the State become a party to or become interested in any work of internal im- rovement, except public roads, or engaged in carrying on any such work: or assume any indebtedness of any county, city, or town, nor lend its credit o the same; but this section shall not prevent a county, city or town from erfecting a subscription to the capital stock of a railroad company authorized y existing charter conditioned upon the affirmative vote of the voters and reeholders of such county, city, or town in favor of such subscription; pro- ided, that such vote be had prior to July first, nineteen hundred and three.

Sec. 186. All taxes, licenses, and other revenue of the State, shall be ollected by its proper officers and paid into the State treasury. No money hall be paid out of the State treasury except in pursuance of appropriations ade by law; and no such appropriation shall be made which is payable ore than two years after the end of the session of the General Assembly, at hich the law is enacted authorizing the same; and no appropriation shall be ade for the payment of any debt or obligation created in the name of the tate during the war between the Confederate States and the United States. or shall any county, city, or town pay any debt or obligation created by uch county, city, or town in aid of said war.

Sec. 187. The General Assembly shall provide and maintain a sinking und in accordance with the provisions of section Ten of the act approved ebruary the twentieth, eighteen hundred and ninety-two, entitled "an act o provide for the settlement of the public debt of Virginia not funded under he provisions of an act entitled an act to ascertain and declare Virginia's quitable share of the debt created before, and actually existing at the time f the partition of her territory and resources, and to provide for the issuance f bonds covering the same, and the regular and prompt payment of the nterest thereon, approved February the fourteenth, eighteen hundred and ighty-two." Every law hereafter enacted by the General Assembly, creating debt or authorizing a loan, shall provide for the creation and maintenance a sinking fund for the payment or redemption of the same.

Sec. 188. No other or greater amount of tax or revenue shall, at any me, be levied than may be required for the necessary expenses of the gov- rnment, or to pay the indebtedness of the State.

Sec. 189. On all lands and the improvements thereon, and on all tan- ible personal property, not exempt from taxation by the provisions of this rticle, the rate of State taxation shall be twenty cents on every hundred dol- rs of the assessed value thereof, the proceeds of which shall be applied to he expenses of the government and the indebtedness of the State, and a fur- her tax of ten cents on every hundred dollars of the assessed value thereof, hich shall be applied to the support of the public free schools of the State; rovided, that after the first day of January, nineteen hundred and seven, he tax rate upon said real and personal property for such purposes shall be escribed by law. But the General Assembly, during such period of four ears, in addition to making annually an appropriation for pensions not to ceed the last appropriation made for such purpose prior to September the irtieth, nineteen hundred and one, may levy annually, a special tax for ensions, on such real and personal property of not exceeding five cents on e hundred dollars of the assessed value thereof.

ARTICLE XIV.

MISCELLANEOUS PROVISIONS.

SEC. 190. Every householder or head of a family shall be entitled, in addition to the articles now exempt from levy or distress for rent, to hold exempt from levy, seizure, garnishment, or sale under any execution, order or other process issued on any demand for a debt hereafter contracted, his real and personal property, or either, including money and debts due him, to the value of not exceeding two thousand dollars, to be selected by him; provided, that such exemption shall not extend to any execution, order, or other process issued on any demand in the following cases:

First. For the purchase price of said property, or any part thereof. If the property purchased, and not paid for, be exchanged for, or converted into other property by the debtor, such last named property shall not be exempted from the payment of such unpaid purchase money under the provisions of this article;

Second. For services rendered by a laboring person or mechanic;

Third. For liabilities incurred by any public officer, or officer of a court, or any fiduciary, or any attorney-at-law for money collected;

Fourth. For a lawful claim for any taxes, levies, or assessments accruing after the first day of June, eighteen hundred and sixty-six;

Fifth. For rent;

Sixth. For the legal or taxable fees of any public officer or officer of a court.

SEC. 191. The said exemption shall not be claimed or held in a shifting stock of merchandise, or in any property, the conveyance of which by the homestead claimant has been set aside on the ground of fraud or want of consideration.

SEC. 192. The General Assembly shall prescribe the manner and the conditions on which a householder or head of a family shall set apart and hold for himself and family a homestead in any of the property hereinbefore mentioned. But this section shall not be construed as authorizing the General Assembly to defeat or impair the benefits intended to be conferred by the provisions of this article.

SEC. 193. Nothing contained in this article shall invalidate any homestead exemption heretofore claimed under the provisions of the former Constitution; or impair in any manner the right of any householder or head of a family existing at the time that this Constitution goes into effect, to select the exemption, or any part thereof, to which he was entitled under the former Constitution; provided that such right, if hereafter exercised, be not in conflict with the exemptions set forth in sections One Hundred and Ninety and One Hundred and Ninety-one. But no person who has selected and received the full exemption allowed by the former Constitution, shall be entitled to select an additional exemption under this Constitution; and no person who has selected and received part of the exemption allowed by the former Constitution shall be entitled to select an additional exemption beyond the difference between the value of such part and a total valuation of two thousand dollars. So far as necessary to accomplish the purposes of this section the provisions of chapter One Hundred and Seventy-eight of the Code of Virginia, and the act amendatory thereof, shall remain in force until repealed by the General Assembly. The provisions of this article shall be liberally construed.

SEC. 194. The General Assembly is hereby prohibited from passing any law staying the collection of debts, commonly known as "stay laws;" but this section shall not be construed as prohibiting any legislation which the General Assembly may deem necessary to fully carry out the provisions of this article.

SEC. 195. The children of parents, one or both of whom were slaves at and during the period of cohabitation, and who were recognized by the father as his children, and whose mother was recognized by such father as his wife and was cohabited with as such, shall be as capable of inheriting any estate

whereof such father may have died seized, or possessed, or to which he was entitled, as though they had been born in lawful wedlock.

ARTICLE XV.

FUTURE CHANGES IN THE CONSTITUTION.

SEC. 196. Any amendment or amendments to the Constitution may be proposed in the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes taken thereon, and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates, and shall be published for three months previous to the time of such election. If, at such regular session the proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such times as it shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors, qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 197. At such time as the General Assembly may provide, a majority of the members elected to each house being recorded in the affirmative, the question, "shall there be a convention to revise the Constitution and amend the same?" shall be submitted to the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting thereon, shall vote in favor of a convention for such purpose, the General Assembly, at its next session, shall provide for the election of delegates to such convention; and no convention for such purpose shall be otherwise called.

SCHEDULE.

That no inconvenience may arise from the adoption of this Constitution, and in order to provide for carrying it into complete operation, it is hereby ordained that:

SECTION 1. The common law and the statute laws in force at the time this Constitution goes into effect, so far as not repugnant thereto or repealed thereby, shall remain in force until they expire by their own limitation, or are altered or repealed by the General Assembly.

SEC. 2. All ordinances adopted by this convention, and appended to the official original draft of the Constitution delivered to the Secretary of the Commonwealth, shall have the same force and effect as if they were parts of this Constitution.

SEC. 3. Except as modified by this Constitution, all writs, actions and causes of action, prosecutions, rights of individuals, of bodies corporate or politic, and of the State, shall continue. All legal proceedings, civil and criminal, pending at the time this Constitution goes into effect, or instituted prior to the first day of February, nineteen hundred and four, in any county or circuit court as now existing, shall be prosecuted therein; provided, that all such matters, which are not finally terminated before the day last above mentioned, shall, on that date, by operation of this Constitution and Schedule, be transferred to the county or city created under this Constitution, and shall be proceeded with therein. All such matters pending in the city courts, preserved by this Constitution, when the same goes into effect, or thereafter instituted therein, shall continue in said courts, and be therein proceeded with, until otherwise provided by law. All matters before justices of the peace or police justices at the time this Constitution goes into effect, shall be proceeded with before them, until otherwise provided by law. All legal proceedings prosecuted after this Constitution goes into effect, whether in any of the courts now existing, or in those created by this Constitution,

shall be proceeded with in the manner now or hereafter provided by law, except as otherwise required by this Constitution.

SEC. 4. All taxes, fines, penalties, forfeitures and escheats, accrued or accruing to the Commonwealth or to any political subdivision thereof, under the present Constitution, or under the laws now in force, shall, under this Constitution, enure to the use of the Commonwealth, or of such subdivision thereof.

SEC. 5. All recognizances, and other obligations, and all other instruments entered into or executed before the adoption of this Constitution, or before the complete organization of the departments thereunder, to the Commonwealth, or to any county or political subdivision thereof, city, town, board, or other public corporation or institution therein, or to any public officer, shall remain binding and valid, and rights and liabilities thereunder shall continue and may be enforced or prosecuted in the courts of this State as now or hereafter provided by law.

SEC. 6. From the day this Constitution goes into effect, the present judges of the Supreme Court of Appeals, or their successors then in office, shall be the judges of the Supreme Court of Appeals created by this Constitution, and continue in office, unless sooner removed, until February the first, nineteen hundred and seven. The jurisdiction of the court shall be as now or hereafter provided by law, subject to the provisions of this Constitution. All proceedings, then pending in the court as now organized, shall, by virtue of this Constitution, be transferred to and disposed of by the court created by this Constitution.

SEC. 7. The present judicial system of county and circuit courts of the Commonwealth is continued, and the terms of the several judges thereof, with the powers and duties now possessed by them respectively, are continued, until the first day of February, nineteen hundred and four, as if this Constitution had not been adopted; on which day the judicial system of circuit courts created by this Constitution shall go into operation. The terms of the judges of the city courts, as preserved by this Constitution, of the cities of Alexandria, Charlottesville, Danville, Fredericksburg, Lynchburg, Petersburg, Norfolk, Portsmouth, Richmond, Staunton, Manchester, Roanoke, Winchester, and Newport News, shall continue until the first day of February, nineteen hundred and seven; and the terms of the judges of the city courts, as preserved by this Constitution, of the cities of Bristol, Radford and Buena Vista, shall continue until the first day of February, nineteen hundred and four, unless the said courts shall be sooner abolished. The privilege now allowed by statute to judges of county courts and to judges of certain city courts to practice law, shall continue during the terms of the judges whose terms are continued by this Schedule, unless otherwise provided by law.

SEC. 8. The terms of the clerks of the county and circuit courts now in office, or their successors, shall continue until the first day of February, nineteen hundred and four; and thereupon, the several clerks of the county courts in those counties in which such clerks are now ex-officio clerks of the circuit courts of said counties shall be and become the county clerks of their respective counties, and the clerks of all the other county courts of the State, except the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson and Wythe, and, as such, the clerks of the circuit courts created therefor by this Constitution, and shall hold office as such until the first day of January, nineteen hundred and six, unless sooner removed, and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; provided that the first term of the clerks so elected be for six years. In the counties of Accomac, Augusta, Bedford, Campbell, Elizabeth City, Fairfax, Lee, Loudoun, Hanover, Henrico, Rockingham, Nansemond, Southampton, Pittsylvania, Nelson, and Wythe, in which there are now separate clerks for the county and circuit courts thereof, there shall be elected on Tuesday after the first Monday in November, nineteen hundred and three, county clerks for such counties. The terms of the

clerks now in office, or their successors, of the several city courts preserved by this Constitution, shall continue until the first day of January, nineteen hundred and seven; and their successors shall be elected on Tuesday after the first Monday in November, nineteen hundred and five; but if any of such city courts shall be sooner abolished as provided in this Constitution or by law, then the term of the clerk of any such court shall thereupon determine.

SEC. 9. The first election of the Governor and of all officers required by this Constitution, to be chosen by the qualified voters of the State at large, shall be held on the Tuesday after the first Monday in November, nineteen hundred and five, and their terms of office shall begin on the first day of February following their election. The present incumbents of said offices, or their successors, shall continue in office until the last-named day.

SEC. 10. The first election of members of the House of Delegates, and of all county and district officers, to be elected by the people under this Constitution, except as otherwise provided in this Schedule, shall be held on Tuesday after the first Monday in November, in the year nineteen hundred and three; and the terms of office of the several officers elected at that or any subsequent election shall begin on the first day of January, next after their election, except as otherwise provided in this Constitution or in this Schedule. And the terms of the office of the sheriff, Commonwealth's attorney, treasurer, commissioners of the revenue, superintendents of the poor, supervisors of the several counties, justices of the peace, and overseers of the poor, and of any incumbent of any other county or district office not abolished by this Constitution, nor herein specifically mentioned, now in office, or their successors, or whose terms of office shall begin on the first day of July, nineteen hundred and two, are continued until January the first, nineteen hundred and four.

The terms of the present members of the House of Delegates, and the terms of the senators now in office, or (in case of vacancies therein) their successors, representing the senatorial districts bearing even numbers, are extended until the second Wednesday in January, nineteen hundred and four; provided, that the term of the senator, now residing in the city of Richmond, who by the provisions of the apportionment act, approved April the second, nineteen hundred and two, is continued in office as one of the senators from the thirty-eighth senatorial district thereby created, be extended until the second Wednesday in January, nineteen hundred and six. The terms of the senators now in office, or (in case of vacancies therein) their successors, representing the senatorial districts bearing odd numbers are extended until the second Wednesday in January, nineteen hundred and six.

In the senatorial districts bearing even numbers, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and three, for a term of four years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; in the senatorial districts bearing odd numbers, and in the city of Richmond to fill the vacancy, which will, as above provided, occur on the second Wednesday in January, nineteen hundred and six, there shall be elected, on the Tuesday after the first Monday in November, nineteen hundred and five, for a term of two years, to begin on the second Wednesday in January succeeding their election, members of the Senate to represent such districts; and on the Tuesday after the first Monday in November, nineteen hundred and seven, there shall be elected, for the term of four years, to begin on the second Wednesday in January succeeding their election, a senator from each senatorial district in the State.

SEC. 11. All other State, county, and district officers, and their successors, who may be in office at the time this Constitution goes into effect, except the Auditor of Public Accounts, the Second Auditor, the Register of the Land Office, the Superintendent of Public Printing, the Commissioner of Labor and Industrial Statistics, Railroad Commissioner, notaries public, the Adjutant-General, the Superintendent and Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several State hospitals, and the school superintendents for counties and cities, and school

trustees, shall, unless their respective offices be abolished, or unless otherwise provided by this Constitution or Schedule, hold their respective offices, and discharge the respective duties and exercise the respective powers thereof, until January the first, nineteen hundred and four. The terms of the present incumbents in the offices of Auditor of Public Accounts, Second Auditor, Register of the Land Office, Superintendent of Public Printing, and Commissioner of Labor and Industrial Statistics, shall continue until March the first, nineteen hundred and four. The term of the Railroad Commissioner shall end as soon as the State Corporation Commission shall be organized. Notaries public shall continue in office until their respective commissions shall expire. The term of the office of Adjutant General shall expire March the first, nineteen hundred and six. The Superintendent and the Surgeon of the Penitentiary, the Manager and the Surgeon of the State Prison Farm, the superintendents of the several State hospitals, shall continue in office until their successors shall be appointed by the respective boards empowered under this Constitution to make the several appointments. The school superintendents for counties and cities shall remain in office for their respective terms, and until their successors are appointed. School trustees now in office, or their successors, shall remain in office until otherwise provided by law. Electoral boards, with the powers conferred by existing laws, except the appointment of registrars, shall remain in office until March the first, nineteen hundred and four.

SEC. 12. The terms of the State Board of Education, the State Corporation Commission, and the Board of Agriculture and Immigration, the directors of public institutions and prisons, and of each State hospital, and the Commissioner of State Hospitals, to be first elected, or appointed, under this Constitution, shall begin on March the first, nineteen hundred and three. The board of any of the above-named departments and institutions as now constituted shall continue until the boards created under this Constitution for such departments and institutions, respectively, are duly organized. And the terms of the members of the Board of Fisheries are continued until March the first, nineteen hundred and six. The terms of the trustees or visitors of the State educational institutions, and other honorary appointments made by the Governor, are continued until otherwise provided by law.

SEC. 13. Charters of incorporations may, until the first day of April, nineteen hundred and three, be granted or amended by the courts of the State in accordance with the laws in force when this Constitution goes into effect, unless the General Assembly shall sooner provide for the creation of corporations as required by this Constitution.

SEC. 14. The terms of all officers elected by the qualified voters of a city, and of their successors, in office at the time this Constitution goes into effect, or whose terms of office begin on the first day of July, nineteen hundred and two, except the terms of mayors, of members of city councils and of the clerks of city courts, are continued until January the first, nineteen hundred and six; and their successors shall be elected on the Tuesday after the first Monday in November, nineteen hundred and five. The terms of all city officers, not so elected, shall expire as provided in the charters of the several cities, or as may be provided by law.

SEC. 15. Until otherwise provided by law, the mayors of the several cities continue in office until September the first, nineteen hundred and four, and their successors shall be elected the second Tuesday in June, nineteen hundred and four. Until otherwise provided by law, the members of the several city councils shall continue in office for the terms prescribed in the charters of their respective cities, except that when their terms are prescribed as ending on the first day of July of any year, they shall be extended until the first day of September following.

SEC. 16. Vacancies in any office, the term of which is confirmed or extended by this Schedule, occurring during such term or extension thereof, shall be filled in the manner prescribed by law.

SEC. 17. All officers, whose terms of office are extended by this Schedule,

required by law or municipal ordinance to give bond for the faithful discharge of the duties of their respective offices, shall, prior to the expiration of the terms for which they were respectively chosen, before the court or other authority before whom such officer was required by law or municipal ordinance to give such bond, enter into a new bond, in the same penalty and with such security as was prescribed by law or municipal ordinance in respect to his former bond, and with like conditions as therein prescribed, for the faithful discharge of the duties of his office for the extended term herein provided for, and until his successors shall have been duly chosen, and shall have qualified according to law. Upon failure to give such bond within the time above prescribed, the office shall, upon the expiration of the term for which the incumbent thereof was chosen, become vacant.

SEC. 18. In all elections held after this Constitution goes into effect, the qualifications of electors shall be those required by Article Two of this Constitution.

SEC. 19. The General Assembly, which convened on the first Wednesday in December, nineteen hundred and one, shall be called by the Governor to meet in session at the Capitol at twelve o'clock M., on Tuesday, the fifteenth day of July, nineteen hundred and two. It shall be vested with all the powers, charged with all the duties, and subject to all the limitations prescribed by this Constitution in reference to the General Assembly, except as to the limitation upon the period of its session, qualifications of members, and as to the time at which any of its acts shall take effect; but the ineligibility of the members thereof to be elected to any other office during their terms as members of the General Assembly shall be such as is imposed by this Constitution. The said General Assembly shall elect judges for all of the circuit courts provided for in this Constitution, and also of the corporation courts for Bristol, Radford, and Buena Vista, unless said city courts are sooner abolished.

SEC. 20. The said General Assembly shall enact such laws as may be deemed proper, including those necessary to put this Constitution into complete operation; to confirm those officers whose appointment is made by this Constitution, subject to confirmation by the General Assembly or either house thereof; and to transact other proper business; and such session shall continue so long as may be necessary. The members shall receive for their services four dollars per day, for the time when the General Assembly is actually in session, including Sundays and recesses of not exceeding five days, and the mileage provided by law; the speaker of the House of Delegates and president of the Senate shall each receive seven dollars per day for the same period and the mileage provided by law; and the other officers and employees shall receive such compensation for their services as the General Assembly may prescribe. Provision may be made for compensation at said rate of four dollars per day of members of legislative committees which may sit during any recess of said session.

SEC. 21. The compensation and duties of the clerk of the House of Delegates and of the clerk of the Senate shall continue as now fixed by law until the first of January, nineteen hundred and three, after which date their compensation shall be as prescribed by section Sixty-six of this Constitution.

SEC. 22. When the General Assembly convenes on the fifteenth day of July, nineteen hundred and two, its members and officers, before entering upon the discharge of their duties, shall severally take and subscribe the oath or affirmation prescribed by section Thirty-four of the Constitution. And not later than the twentieth day of July, nineteen hundred and two, the Governor and all other executive officers of the State, whose offices are at the seat of government, and all judges of courts of record, shall severally take and subscribe such oath or affirmation; and upon the failure of any such officer, executive or judicial, to take such oath by the day named, his office shall thereby become vacant. Such oaths or affirmations shall be taken and subscribed before any person authorized by existing laws to administer an oath. The Secretary of the Commonwealth shall cause to be printed the necessary blanks for carrying into effect this provision, and the said oaths and

affirmations so taken and subscribed, except of the members and officers o the General Assembly, shall be returned to and filed in his office; and thos taken by the members and officers of the General Assembly shall be preserve in the records of the respective houses.

SEC. 23. The official copy of the Constitution and Schedule, and of an ordinance adopted by the Convention, shall, as soon as they shall be enrolle be signed by the president and attested by the secretary of the Convention and the president will thereupon cause the same to be delivered to the Se retary of the Commonwealth, who will file and preserve the same securel among the archives of the State in his custody.

The Secretary of the Commonwealth will cause the Constitution, schedu and said ordinance to be transcribed in a book to be provided for the purpos and safely kept in his office.

The secretary of the Convention will immediately upon the adoption o this Schedule, deliver a certified copy of the Constitution and Schedule, an of said ordinances, to the Governor of the Commonwealth.

SEC. 24. The Governor is authorized and directed to immediately issu his proclamation announcing that this revised and amended Constitution ha been ordained by the people of Virginia, assembled in Convention, throug their representatives, as the Constitution for the government of the peop of the State, and will go into effect as such, subject to the provisions of th Schedule annexed thereto, on the tenth day of July, nineteen hundred an two, at noon, and calling upon all the people of Virginia to render their tru and loyal support to the same, as the organic law of the Commonwealth.

SEC. 25. This Constitution shall, except as is otherwise provided in th Schedule, go into effect on the tenth day of July, nineteen hundred and tw at noon.

This Schedule shall take effect from its passage.

JOHN GOODE,
President.

CONSTITUTION OF WASHINGTON—1889.*

PREAMBLE.

We, the People of the State of Washington, Grateful to the Supreme Ruler of the Universe for Our Liberties, Do Ordain This Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

SEC. 2. The Constitution of the United States is the supreme law of the land.

SEC. 3. No person shall be deprived of life, liberty or property without due process of law.

SEC. 4. The right of petition, and of the people peaceably to assemble for the common good, shall never be abridged.

SEC. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

SEC. 6. The mode of administering an oath, or affirmation, shall be such as may be consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

SEC. 7. No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

SEC. 8. No law granting irrevocably any privilege, franchise or immunity shall be passed by the legislature.

SEC. 9. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

SEC. 10. Justice in all cases shall be administered openly, and without unnecessary delay.

SEC. 11. Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or be disturbed in person or property on account of religion: but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or support of any religious establishment: Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the Legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.[1]

SEC. 12. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

*The constitution of Washington was framed by a convention which assembled at Olympia on July 4, 1889, and adjourned on Aug. 22, 1889. At an election held on Oct. 1, the people voted on the adoption or rejection of the constitution as a whole, which was ratified by a vote of 40,152 to 11,879; on the question of woman suffrage and prohibition, both of which were rejected, and on the location of the permanent seat of government. The constitution became effective on Nov. 11, 1889, the day on which the President issued his proclamation admitting the state of Washington to the Union.

[1]Amendment proposed by the legislature of 1903 and ratified at the election of Nov. 8, 1904.

SEC. 13. The privilege of the writ of habeas corpus shall not be suspended unless in case of rebellion or invasion the public safety requires it.

SEC. 14. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

SEC. 15. No conviction shall work corruption of blood, nor forfeiture of estate.

SEC. 16. Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

SEC. 17. There shall be no imprisonment for debt, except in cases of absconding debtors.

SEC. 18. The military shall be in strict subordination to the civil power.

SEC. 19. All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

SEC. 20. All persons charged with crimes shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great.

SEC. 21. The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict of nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

SEC. 22. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and in no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

SEC. 23. No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

SEC. 24. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

SEC. 25. Offenses heretofore required to be prosecuted by indictment may be prosecuted by information or by indictment as shall be prescribed by law.

SEC. 26. No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

SEC. 27. Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

SEC. 28. No hereditary emoluments, privileges or powers shall be granted or conferred in this state.

SEC. 29. The provisions of this constitution are mandatory unless by express words they are declared to be otherwise.

SEC. 30. The enumeration in this constitution of certain rights shall not be construed to deny others retained by the people.

SEC. 31. No standing army shall be kept up by this state in time of peace, and no soldiers shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SEC. 32. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

SEC. 33. Every elective public officer in the State of Washington except judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

SEC. 34. The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: Provided, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of law-making nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent.[2]

ARTICLE II.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative authority of the State of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative, ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measure shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is

[2] Sections 33 and 34 are new sections; they were proposed by the legislature of 1911 and were ratified on Nov. 5, 1912.

rejected or if no action is taken upon it by the legislature before the end of suc regular session, the secretary of state shall submit it to the people for approv or rejection at the next ensuing regular general election. The legislature ma reject any measure so proposed by initiative petition and propose a differe one dealing with the same subject, and in such event both measures shall b submitted by the secretary of state to the people for approval or rejection at th next ensuing regular general election. When conflicting measures are su mitted to the people the ballots shall be so printed that a voter can expre separately by making one cross (X) for each, two preferences, first, as betwe either measure and neither, and secondly, as between one and the other. the majority of those voting on the first issue is for neither, both fail, but that case the votes on the second issue shall nevertheless be carefully counte and made public. If a majority voting on the first issue is for either, then th measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum: The second power reserved by the people is the refe endum, and it may be ordered on any act, bill, law, or any part thereof passe by the legislature, except such laws as may be necessary for the immedia preservation of the public peace, health or safety, support of the state gover ment and its existing public institutions, either by petition signed by th required percentage of the legal voters, or by the legislature as other bills a enacted. Six per centum, but in no case more than thirty thousand, of th legal voters shall be required to sign and make a valid referendum petition.

(c) No act, law, or bill subject to referendum shall take effect until nine days after the adjournment of the session at which it was enacted. No ac law, or bill approved by a majority of the electors voting thereon shall b amended or repealed by the legislature within a period of two years followi such enactment. But such enactment may be amended or repealed at an general regular or special election by direct vote of the people thereon.

(d) The filing of a referendum petition against one or more items, sectio or parts of any act, law or bill shall not delay the remainder of the measu from becoming operative. Referendum petitions against measures passed by th legislature shall be filed with the secretary of state not later than ninety da after the final adjournment of the session of the legislature which passed th measure on which the referendum is demanded. The veto power of the governo shall not extend to measures initiated by or referred to the people. All ele tions on measures referred to the people of the state shall be had at th biennial regular elections, except when the legislature shall order a speci election. Any measure initiated by the people or referred to the people herein provided, shall take effect and become the law if it is approved by majority of the votes cast thereon: Provided, That the vote cast upon suc question or measure shall equal one-third of the total votes cast at suc election and not otherwise. Such measure shall be in operation on and aft the thirtieth day after the election at which it is approved. The style of a bills proposed by initiative petition shall be: "Be it enacted by the people the State of Washington." This section shall not be construed to depri any member of the legislature of the right to introduce any measure. Th whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for th referendum shall be the basis on which the number of legal voters necessa to sign such petition shall be counted. All such petitions shall be filed with th secretary of state, who shall be guided by the general laws in submitti the same to the people until additional legislation shall especially provi therefor. This section is self-executing, but legislation may be enact especially to facilitate its operation.

The legislature shall provide methods of publicity of all laws or parts laws, and amendments to the constitution referred to the people with arg ments for and against the laws and amendments so referred, so that each vot of the state shall receive the publication at least fifty days before the electi at which they are to be voted upon.[3]

[3] Amendment proposed by the legislature of 1911 and ratified on Nov. 5, 19 Sub-section (c) modifies Section 31 of this Article.

SEC. 2. The House of Representatives shall be composed of not less than ixty-three nor more than ninety-nine members. The number of senators shall ot be more than one-half nor less than one-third of the number of members f the House of Representatives. The first Legislature shall be composed of wenty members of the House of Representatives and thirty-five Senators.

SEC. 3. The Legislature shall provide by law for an enumeration of the nhabitants of the state in the year one thousand eight hundred and ninety-five, nd every ten years thereafter; and at the first session after such enumeration, nd also after each enumeration made by the authority of the United States ie Legislature shall apportion and district anew the members of the Senate nd House of Representatives, according to the number of inhabitants, excluding ndians not taxed, soldiers, sailors and officers of the United States army and avy in active service.

SEC. 4. Members of the House of Representatives shall be elected in the ear eighteen hundred and eighty-nine, at the time and in the manner provided y this constitution, and shall hold their offices for the term of one year and ntil their successors shall be elected.

SEC. 5. The next election of the members of the House of Representatives fter the adoption of this constitution shall be on the first Tuesday after the rst Monday of November, eighteen hundred and ninety, and thereafter mem- ers of the House of Representatives shall be elected biennially, and their term f office shall be two years; and each election shall be on the first Tuesday fter the first Monday in November, unless otherwise changed by law.

SEC. 6. After the first election the senators shall be elected by single dis- ricts of convenient and contiguous territory at the same time and in the same anner as members of the House of Representatives are required to be elected. nd no representative district shall be divided in the formation of a senatorial istrict. They shall be elected for the term of four years, one-half of their umber retiring every two years. The senatorial districts shall be numbered onsecutively, and the senators chosen at the first election had by virtue of his constitution, in odd numbered districts, shall go out of office at the end f the first year, and the senators elected in the even numbered districts shall o out of office at the end of the third year.

SEC. 7. No person shall be eligible to the Legislature who shall not be a itizen of the United States and a qualified voter in the district for which he chosen.

SEC. 8. Each House shall be the judge of the election returns, and ualifications of its own members, and a majority of each House shall con- itute a quorum to do business, but a smaller number may adjourn from day o day and may compel the attendance of absent members in such manner and nder such penalties as each House may provide.

SEC. 9. Each House may determine the rules of its own proceedings, punish or contempt and disorderly behavior, and, with the concurrence of two-thirds f all the members elected, expel a member, but no member shall be expelled econd time for the same offense.

SEC. 10. Each House shall elect its own officers, and when the Lieutenant overnor shall not attend as president, or shall act as Governor, the Senate hall choose a temporary president. When presiding, the Lieutenant Governor hall have the deciding vote in case of an equal division of the Senate.

SEC. 11. Each House shall keep a journal of its proceedings and publish he same, except such parts as require secrecy. The doors of each House hall be kept open, except when the public welfare shall require secrecy. Neither ouse shall adjourn for more than three days, nor to any place other than hat in which they may be sitting, without the consent of the other.

SEC. 12. The first Legislature shall meet on the first Wednesday after the rst Monday in November, A. D. 1889. The second Legislature shall meet on he first Wednesday after the first Monday in January, A. D. 1891, and sessions f the Legislature will be held biennially thereafter, unless specially convened y the Governor, but the times of meeting of subsequent sessions may be

changed by the Legislature. After the first Legislature the sessions shall not be more than sixty days.[4]

SEC. 13. No member of the Legislature during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SEC. 14. No person, being a member of Congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the Legislature; and if any person after his election as a member of the Legislature shall be elected to Congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat: Provided, That officers of the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

SEC. 15. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

SEC. 16. Members of the Legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement of each session.

SEC. 17. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever for words spoken in debate.

SEC. 18. The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no law shall be enacted except by bill.

SEC. 19. No bill shall embrace more than one subject, and that shall be expressed in the title.

SEC. 20. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended in the other.

SEC. 21. The yeas and nays of the members of either house shall be entered on the journal on the demand of one-sixth of the members present.

SEC. 22. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.

SEC. 23. Each member of the Legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel going to and returning from the place of meeting of the Legislature, on the most usual route.

SEC. 24. The Legislature shall never authorize any lottery or grant any divorce.

SEC. 25. The Legislature shall never grant any extra compensation to any public officer, agent, servant or contractor after the services shall have been rendered or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

SEC. 26. The Legislature shall direct by law in what manner and in what courts suits may be brought against the state.

SEC. 27. In all elections by the Legislature the members shall vote viva voce, and their votes shall be entered on the journal.

SEC. 28. The Legislature is prohibited from enacting any private or special law in the following cases:

1. For changing the names of persons, or constituting one person the heir at law of another.

2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads, to aid in the construction of which lands shall have been or may be granted by Congress.

3. For authorizing persons to keep ferries wholly within this state.

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[4] By the provision of the laws of 1891, page 38, the legislature now meets on the second Monday of January.

4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.

5. For assessment or collection of taxes, or for extending the time of collection thereof.

6. For granting corporate powers or privileges.

7. For authorizing the apportionment of any part of the school fund.

8. For incorporating any town or village, or to amend the charter thereof.

9. From giving effect to invalid deeds, wills or other instruments.

10. Releasing or extinguishing, in whole or in part, the indebtedness, liability or other obligation of any person or corporation to this state, or to any municipal corporation therein.

11. Declaring any person of age, or authorizing any minor to sell, lease or encumber his or her property.

12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.

13. Regulating the rates of interest on money.

14. Remitting fines, penalties or forfeitures.

15. Providing for the management of common schools.

16. Authorizing the adoption of children.

17. For limitation of civil or criminal action.

18. Changing county lines, locating or changing county seats: Provided, This shall not be construed to apply to the creation of new counties.

SEC. 29. After the first day of January, eighteen hundred and ninety, the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall by law provide for the working of convicts for the benefit of the state.

SEC. 30. The offense of corrupt solicitation of members of the Legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving such testimony—and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the Legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

SEC. 31. No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the Legislature shall otherwise direct by vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

SEC. 32. No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the Legislature shall prescribe.

SEC. 33. The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom.

Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purpose of this prohibition.

SEC. 34. There shall be established in the office of the Secretary of State, a bureau of statistics, agriculture and immigration, under such regulations as the Legislature may provide.

SEC. 35. The Legislature shall pass necessary laws for the protection of persons working in mines, factories and other employment dangerous to life and deleterious to health; and fix pains and penalties for the enforcement of same.

SEC. 36. No bill shall be considered in either house unless the time for its introduction shall have been at least ten days before the final adjournment of the Legislature, unless the Legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

SEC. 37. No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

SEC. 38. No amendment to any bill shall be allowed which shall change the scope or object of the bill.

SEC. 39. It shall not be lawful for any person holding public office in this state to accept or use a pass or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the Legislature may pass laws to enforce this provision.

ARTICLE III.

THE EXECUTIVE.

SECTION 1. The executive department shall consist of a Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction, and a Commissioner of Public Lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the Legislature.

SEC. 2. The supreme executive power of this state shall be vested in a Governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

SEC. 3. The Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands, shall hold their offices for four years, respectively, and until their successors are elected and qualified.

SEC. 4. The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Secretary of State, who shall deliver the same to the speaker of the House of Representatives at the first meeting of the House thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the Legislature in such manner as shall be decided by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election, until otherwise provided by law.

SEC. 5. The Governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

SEC. 6. He shall communicate at every session by message to the Legislature the condition of affairs of the state, and recommend such measures as he shall deem expedient for their action.

SEC. 7. He may, on extraordinary occasions, convene the Legislature by proclamation, in which shall be stated the purpose for which the Legislature is convened.

SEC. 8. He shall be commander-in-chief of the military in the state except when they shall be called into the service of the United States.

SEC. 9. The pardoning power shall be vested in the Governor under such regulations and restrictions as may be prescribed by law.

SEC. 10. In case of the removal, resignation, death or disability of the Governor, the duties of the office shall devolve upon the Lieutenant Governor; and in case of a vacancy in both offices of Governor and Lieutenant Governor, the duties of the Governor shall devolve upon the Secretary of State. In addition to the line of succession to the office and duties of Governor as hereinbefore indicated, if the necessity shall arise, in order to fill the vacancy in the office of Governor, the following state officers shall succeed to the duties of Governor and in the order named, viz: Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands. In case of the death, disability, failure, or refusal of the person regularly elected to the office of Governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of Lieutenant Governor, who shall act as Governor until the disability be removed, or a Governor be elected; and in case of the death, disability, failure or refusal of both the Governor and the Lieutenant Governor elect to qualify, the duties of the Governor shall devolve upon the Secretary of State; and in addition to the line of succession to the office and duties of Governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of Governor, the following state officers shall succeed to the duties of Governor in the order named, viz: Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands. Any person succeeding to the office of Governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a Governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of Governor for the remainder of the unexpired term.[5]

SEC. 11. The Governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the Legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

SEC. 12. Every act which shall have passed the Legislature shall be, before it becomes a law, presented to the Governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sunday excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law, unless the Governor within ten days next after the adjournment, Sunday excepted, shall file such bill, with his objections thereto, in the office of Secretary of State, who shall lay the same before the Legislature at its next session

[5] Amendment proposed by the legislature of 1909 and ratified on Nov. 8, 1910.

in like manner as if it had been returned by the Governor. If any bill presented to the Governor contained sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section or sections, item or items to which he objects and the reasons therefor and the section or sections, item or items, so objected to shall not take effect unless passed over the Governor's objection as hereinbefore provided.

SEC. 13. When, during a recess of the Legislature, a vacancy shall happen in any office, the appointment to which is vested in the Legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this constitution, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 14. The Governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

SEC. 15. All commissions shall issue in the name of the state, shall be signed by the Governor, sealed with the seal of the state, and attested by the Secretary of State.

SEC. 16. The Lieutenant Governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

SEC. 17. The Secretary of State shall keep a record of the official acts of the Legislature and executive department of the state, and shall, when required, lay the same and all other matters relative thereto before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

SEC. 18. There shall be a seal of the state kept by the Secretary of State for official purposes, which shall be called "The Seal of the State of Washington."

SEC. 19. The Treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed four thousand dollars per annum.

SEC. 20. The Auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed three thousand dollars per annum.

SEC. 21. The Attorney General shall be legal advisor of the state officers and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the Legislature, but shall never exceed thirty-five hundred dollars per annum.

SEC. 22. The Superintendent of Public Instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.

SEC. 23. The Commissioner of Public Lands shall perform such duties and receive such compensation as the Legislature may direct.

SEC. 24. The Governor, Secretary of State, Treasurer, Auditor, Superintendent of Public Instruction, Commissioner of Public Lands, and Attorney General shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the Governor, Secretary of State, Treasurer, and Auditor shall reside.

SEC. 25. No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the State

Treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation of state officers shall not be increased or diminished during the term for which they shall have been elected. The Legislature may, in its discretion, abolish the offices of Lieutenant Governor, Auditor, and Commissioner of Public Lands.

ARTICLE IV.

THE JUDICIARY.

SECTION 1. The judicial power of the state shall be vested in a Supreme Court, Superior Court, justices of the peace, and such inferior courts as the Legislature may provide.

SEC. 2. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum and pronounce a decision. The said court shall always be open for the transaction of business except on non-judicial days. In the determination of causes, all decisions of the court shall be given in writing, and the grounds of the decision shall be stated. The Legislature may increase the number of judges of the Supreme Court from time to time, and may provide for separate departments of said court.[6]

SEC. 3. The judges of the Supreme Court shall be elected by the qualified electors of the state at large, at the general state election, at the times and places at which state officers are elected, unless some other time be provided by the Legislature. [The first election of judges of the Supreme Court shall be at the election which shall be held upon the adoption of this constitution, and the judges elected thereat shall be classified, by lot, so that two shall hold their office for the term of three years, two for a term of five years, and one for a term of seven years. The lot shall be drawn by the judges, who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the Secretary of State, and filed in his office.] The judge having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the Supreme Court, and in case there shall be two judges having in like manner the same short term, the other judges of the Supreme Court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the Supreme Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the Supreme Court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the Supreme Court shall be held at the seat of government until otherwise provided by law.

SEC. 4. The Supreme Court shall have original jurisdiction in habeas corpus and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property, does not exceed the sum of two hundred dollars ($200), unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The Supreme Court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself,

[6] By acts of 1909, page 33, there are now nine judges.

or before the Supreme Court, or before any Superior Court of the state, or any judge thereof.

SEC. 5. There shall be in each of the organized counties of this state a Superior Court for which at least one judge shall be elected by the qualified electors of the county at the general state election: Provided, That until otherwise directed by the Legislature [one judge only shall be elected for the counties of Spokane and Stevens, one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas, and Adams; one judge for the counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield, and Asotin; one judge for the counties of Kittitas, Yakima, and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz, and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason, and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan, and Clallam; one judge for the counties of Whatcom, Skagit, and Snohomish.][7] In any county where there shall be more than one superior judge, there may be as many sessions of the Superior Court at the same time as there are judges thereof, and whenever the Governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the Superior Court in said county at the same time as there are judges therein, or assigned to duty therein by the Governor, and the business of the court shall be so distributed and assigned by law, or in the absence of legislation therefor, by such rules and orders of court, as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election, and until their successors are elected and qualified. The first election of judges of the Superior Court shall be at the election held for the adoption of this constitution. If a vacancy occurs in the office of judges of the Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

SEC. 6. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases of law which involves the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to a felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, or divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The Superior Court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

[7] The distribution of judges is now regulated by law, and this provision is obsolete.

SEC. 7. The judge of any Superior Court may hold a Superior Court in any county at the request of the judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty to do so. A case in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case.

SEC. 8. Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: Provided, That in cases of extreme necessity the Governor may extend the leave of absence such time as the necessity therefor shall exist.

SEC. 9. Any judge of any court of record, the Attorney General, or any prosecuting attorney may be removed from office by joint resolution of the Legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses, and on the question of removal the ayes and nays shall also be entered on the journal.

SEC. 10. The Legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the Legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

SEC. 11. The Supreme Court and the Superior Court shall be courts of record, and the Legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

SEC. 12. The Legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this constitution.

SEC. 13. No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the Supreme Court and judges of the Superior courts shall, severally, at stated times during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the Supreme Court shall be paid by the state. One-half of the salary of each of the Superior Court judges shall be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

SEC. 14. Each of the judges of the Supreme Court shall receive an annual salary of four thousand dollars ($4,000); each of the Superior Court judges shall receive an annual salary of three thousand dollars ($3,000), which said salary shall be payable quarterly. The Legislature may increase the salaries of the judges herein provided.

SEC. 15. The judges of the Supreme Court and the judges of the Superior Court shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

SEC. 17. No person shall be eligible to the office of judge of the Supreme

Court or judge of a Superior Court unless he shall have been admitted to practice in the courts of record of this State or of Territory of Washington.

SEC. 18. The judges of the Supreme Court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

SEC. 19. No judge of a court of record shall practice law in any court of this state during his continuance in office.

SEC. 20. Every cause submitted to a judge of a Superior Court for his decision shall be decided by him within ninety days from the submission thereof: Provided, That if, within said period of ninety days, a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a rehearing.

SEC. 21. The Legislature shall provide for the speedy publication of opinions of the Supreme Court, and all opinions shall be free for publication by any person.

SEC. 22. The judges of the Supreme Court shall appoint a clerk of that court, who shall be removable at their pleasure, but the Legislature may provide for the election of the clerk of the Supreme Court and prescribe the term of his office. The clerk of the Supreme Court shall receive such compensation, by salary only, as shall be provided by law.

SEC. 23. There may be appointed in each county, by the judge of the Superior Court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the Superior Court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

SEC. 24. The judges of the Superior Courts shall, from time to time, establish uniform rules for the government of the Superior Courts.

SEC. 25. Superior judges shall, on or before the first day of November in each year, report in writing to the judges of the Supreme Court such defects and omissions in the laws as their experience may suggest, and the judges of the Supreme Court shall, on or before the first day of January in each year, report in writing to the Governor such defects and omissions in the laws as they may believe to exist.

SEC. 26. The county clerk shall be, by virtue of his office, clerk of the Superior Court.

SEC. 27. The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

SEC. 28. Every judge of the Supreme Court and every judge of the Superior Court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the constitution of the United States and the constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the Secretary of State.

ARTICLE V.

IMPEACHMENT.

SECTION 1. The House of Representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or Lieutenant Governor is on trial, the chief justice of the Supreme Court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

SEC. 2. The Governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted,

shall nevertheless, be liable to prosecution, trial, judgment, and punishment according to law.

SEC. 3. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE VI.

ELECTIONS AND ELECTIVE RIGHTS.

SECTION 1. All persons of the age of twenty-one years or over possessing the following qualifications, shall be entitled to a vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section. There shall be no denial of the elective franchise at any election on account of sex.[8]

SEC. 2. The Legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

SEC. 3. All idiots, insane persons, and persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise.

SEC. 4. For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

SEC. 5. Voters shall in all cases except treason, felony, and breach of peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

SEC. 6. All elections shall be by ballot. The Legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

SEC. 7. The Legislature shall enact a registration law, and shall require compliance with such law before any elector shall be allowed to vote: Provided, That this provision is not compulsory upon the Legislature, except as to cities and towns having a population of over five hundred inhabitants. In all other cases the Legislature may or may not require registration as a prerequisite to the right to vote, and the same system of registration need not be adopted for both classes.

SEC. 8. The first election of county and district officers, not otherwise provided for in this constitution, shall be on the Tuesday next after the first Monday in November, 1890, and thereafter all elections for such offices shall be held biennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this constitution, after the election held for the adoption of this constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state offices shall be every fourth year thereafter on the Tuesday succeeding the first Monday in November.

[8] Section 1 has been amended twice: the first amendment was proposed by the legislature of 1895 and was ratified on Nov. 3, 1896; the second amendment was proposed by the legislature of 1909 and was ratified at the election of Nov. 8, 1910.

ARTICLE VII.

REVENUE AND TAXATION.

SECTION 1. All property in the state not exempt under the laws of the United States, or under this constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The Legislature shall provide by law for an annual tax sufficient, with other sources of revenue, to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the Legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

SEC. 2. The Legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property: Provided, That a deduction of debts from credits may be authorized: Provided further, That the property of the United States, and of the state, counties, school districts, and other municipal corporations, and such other property as the Legislature may by general laws provide, shall be exempt from taxation: And provided further, That the Legislature shall have power, by appropriate legislation, to exempt personal property to the amount of $300 for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner.[9]

SEC. 3. The Legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

SEC. 4. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

SEC. 5. No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.

SEC. 6. All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

SEC. 7. An accurate statement of the receipts and expenditures of the public moneys shall be published annually, in such manner as the Legislature may provide.

SEC. 8. Whenever the expenses of any fiscal year shall exceed the income the Legislature may provide for levying a tax for the ensuing fiscal year sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

SEC. 9. The Legislature may vest the corporate authorities of cities, towns and villages with the power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

ARTICLE VIII.

STATE, COUNTY, AND MUNICIPAL INDEBTEDNESS.

SECTION 1. The state may, to meet casual deficits or failures in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars ($400,000), and the moneys arising from the

[9] Amendment proposed by the legislature of 1899 and ratified on Nov. 6, 1900.

loans creating such debts shall be applied to the purpose for which they were obtained, or to repay the debts so contracted, and to no other purpose whatever.

SEC. 2. In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or to defend the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and no other purpose whatever.

SEC. 3. Except the debts specified in sections one and two of this article, no debt shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state for three months next preceding the election at which it is submitted to the people.

SEC. 4. No money shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

SEC. 5. The credit of the state shall not, in any manner, be given or loaned to, or in aid of, any individual, association, company, or corporation.

SEC. 6. No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: Provided further, That any city or town with such assent may be allowed to become indebted to a large amount, but not exceeding five per centum additional, for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

SEC. 7. No county, city, town, or other municipal corporation shall hereafter give any money or property or loan its money or credit, to or in aid of any individual, association, company, or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company, or corporation.

ARTICLE IX.

EDUCATION.

SECTION 1. It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

SEC. 2. The Legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund, and the state tax for common schools, shall be exclusively applied to the support of the common schools.

SEC. 3. The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to-wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, and other property from school and state lands, other than those granted for specific purposes, all moneys other than rentals recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of Congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been and hereafter may be, granted to the state for the support of common schools. The Legislature may make further provisions for enlarging said fund. The interest accruing on said fund, together with all rentals and other revenues derived therefrom, and from lands and other property devoted to the common school fund, shall be exclusively applied to the current use of the common schools.

SEC. 4. All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

SEC. 5. All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement, or fraud of the agents or officers controlling or managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this constitution.

ARTICLE X.

MILITIA.

SECTION 1. All able-bodied male citizens of this state, between the ages of eighteen (18) and forty-five (45) years, except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

SEC. 2. The Legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the state, to suppress insurrections, and repel invasions.

SEC. 3. The Legislature shall provide by law for maintenance of the Soldiers' Home for honorably discharged Union soldiers, sailors, marines, and members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state.

SEC. 4. The Legislature shall provide by law for the protection and safe keeping of the public arms.

SEC. 5. The militia shall, in all cases, except treason, felony, and breach

of the peace, be privileged from arrest during the attendance at musters and election of officers, and in going to and returning from the same.

SEC. 6. No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: Provided, Such person or persons shall pay an equivalent for such exemption.

ARTICLE XI.

COUNTY, CITY AND TOWNSHIP ORGANIZATION.

SECTION 1. The several counties of the Territory of Washington, existing at the time of the adoption of this constitution, are hereby recognized as legal subdivisions of this state.

SEC. 2. No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.

SEC. 3. No new county shall be established which shall reduce any county to a population of less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor, and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing, incurred in the purchase of any county property or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: Provided further, That this shall not be construed to affect the rights of creditors.

SEC. 4. The Legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization, the assessment and collection of revenue shall be made, and the business of such county, and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township, or precinct and district officers, as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

SEC. 6. The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

SEC. 7. No county officer shall be eligible to hold his office more than two terms in succession.

SEC. 8. The Legislature shall fix the compensation by salaries of all

county officers, and of constables in cities having a population of 5,000 and upward; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town or municipal officer shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

SEC. 9. No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

SEC. 10. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization and classification, in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this constitution, shall be subject to and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election, and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local police, sanitary, and other regulations as are not in conflict with general laws.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns, or other municipal corporations, or the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may by general laws vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

SEC. 13. Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

SEC. 14. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any

officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

SEC. 15. All moneys, assessments and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depositary, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

ARTICLE XII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended, or repealed by the Legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited, or restrained by law.

SEC. 2. All existing charters, franchises, special or exclusive privileges under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of the constitution, shall thereafter have no validity.

SEC. 3. The Legislature shall not extend any franchise or charter, nor permit the forfeiture of any franchise or charter of any corporation now existing or which shall hereafter exist under the laws of this state.

SEC. 4. Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock, and no more, and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

SEC. 5. The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

SEC. 6. Corporations shall not issue stock, except to bona fide subscribers therefor; or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

SEC. 7. No corporation organized outside the limits of this state shall be allowed to transact business within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

SEC. 8. No corporation shall lease or alienate any franchise, so as to release the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

SEC. 9. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in, the stock of any company, association or corporation.

SEC. 10. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

SEC. 11. No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable, equally and ratably, and not

one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

SEC. 12. Any president, director, manager, cashier, or other officer of any banking institution who shall receive or assent to the reception of deposits after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances shall be individually responsible for such deposits so received.

SEC. 13. All railroad, canal, and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of the state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross, or connect with any other railroad, and when such railroads are of the same or similar gauge they shall, at all crossings and at all points where a railroad shall begin or terminate at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars, without delay or discrimination.

SEC. 14. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

SEC. 15. No discrimination in charges or the facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within the state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction to any more distant station, port or landing. Excursions and commutation tickets may be issued at special rates.

SEC. 16. No railroad corporation shall consolidate its stock, property or franchise with any other railroad corporation owning a competing line.

SEC. 17. The rolling stock and other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals, and such property shall not be exempted from execution and sale.

SEC. 18. The Legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses, and to prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

SEC. 19. Any association or corporation, or the lessees or managers thereof organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination, and all such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights-of-way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph

corporation or company any facilities, privileges, or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The Legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

SEC. 20. No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature, or to any person holding any public office within this State. The Legislature shall pass laws to carry this provision into effect.

SEC. 21. Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges, or rates for transportation of men or matgrials or property carried by them, or for doing the business of such express companies, not allowed to all express companies.

SEC. 22. Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever, for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The Legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their charter.

ARTICLE XIII.

STATE INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions; those for the benefit of blind, deaf, dumb or otherwise defective youth, for the insane and idiotic, and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this constitution, and of such as shall thereafter be established by law, shall be appointed by the Governor, by and with the advice and consent of the Senate; and upon all nominations made by the Governor, the question shall be taken by the ayes and nays, and entered upon the journal.

ARTICLE XIV.

SEAT OF GOVERNMENT.

SECTION 1. The Legislature shall have no power to change or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the territory, at the election to be held for the adoption of this constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election, the Legislature shall at its first regular session after the adoption of this constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said Legislature shall provide further that in case there shall be

no choice of location at said second election, the question of choice between the two places for which the highest number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: Provided, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

SEC. 2. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the Legislature.

SEC. 3. The Legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capitol in pursuance of law.

ARTICLE XV.

HARBORS AND TIDE WATERS.

SECTION 1. The Legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof upon either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than 600 feet of such harbor line (as the commissioners shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

SEC. 2. The Legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures upon the areas mentioned in section 1 of this article, but no lease shall be made for any term longer than thirty years, or the Legislature may provide by general laws for the building and maintaining upon such area, wharves, docks and other structures.

SEC. 3. Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.

ARTICLE XVI.

SCHOOL AND GRANTED LANDS.

SECTION 1. All the public lands granted to the state are held in trust for all the people, and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

SEC. 2. None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder. The value thereof, less the improvements, shall, before the sale, be appraised by a board of appraisers, to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of said lands for disposal, the value of the improvements thereon shall be excluded: Pro-

vided, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners, when the purchase price has been paid in good faith, may be confirmed by the Legislature.

SEC. 3. No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: Provided, That nothing herein shall be construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: And provided further, That no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

SEC. 4. No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city, or within two miles of the boundary of any incorporated city, where the valuation of such lands shall be found by appraisement to exceed one hundred dollars ($100) per acre, shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

SEC. 5. None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds.[10]

ARTICLE XVII.

TIDE LANDS.

SECTION 1. The State of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Provided, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

SEC. 2. The State of Washington disclaims all title in and claims to all tide, swamp and overflowed lands patented by the United States: Provided, That same is not impeached for fraud.

ARTICLE XVIII.

STATE SEAL.

SECTION 1. The seal of the State of Washington shall be a seal encircled with the words: "The seal of the State of Washington," with the vignette of Gen. George Washington as the central figure, and beneath the vignette the figures "1889."

ARTICLE XIX.

EXEMPTIONS.

SECTION 1. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

ARTICLE XX.

PUBLIC HEALTH AND VITAL STATISTICS.

SECTION 1. There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the Legislature may direct.

SEC. 2. The Legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

ARTICLE XXI.

WATER AND WATER RIGHTS.

SECTION 1. The use of the waters of the state for irrigation, mining and manufacturing purposes shall be deemed a public use.

[10] Amendment proposed by the legislature of 1893 and ratified at the election of Nov. 6, 1894.

ARTICLE XXII.

LEGISLATIVE APPORTIONMENT.

SECTION 1. Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district, and be entitled to one senator; the counties of Klickitat and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Shehalis shall constitute seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district and be entitled to one senator.

SEC. 2. Until otherwise provided by law, the representatives shall be divided among the several counties of the state in the following manner: The county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three representatives; the county of Wahkiakum shall have one

representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.[11]

ARTICLE XXIII.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the Legislature, and if the same be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election, and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this constitution, and proclamation thereof shall be made by the Governor: Provided, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The Legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding election, in some weekly newspaper in every county where a newspaper is published throughout the state.

SEC. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall, at the next session, provide by law for calling the same; and such convention shall consist of a number of members not less than that of the most numerous branch of the Legislature.

SEC. 3. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE XXIV.

BOUNDARIES.

SECTION 1. The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river, thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river, near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river; thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river; thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's Island from the continent, that is to say a point in longitude 123 degrees, 19 minutes and 15 seconds west; thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's Island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equi-distant between Bonnilla point on Vancouver's Island and Tatoosh Island lighthouse; thence running in a southerly course and parallel with the coast line, keeping one marine league off shore, to place of beginning.

[11] The apportionment of senators and representatives is now fixed and regulated by law.

ARTICLE XXV.

JURISDICTION.

SECTION 1. The consent of the State of Washington is hereby given to the exercise, by the congress of the United States of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses, and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the constitution of the United States, so long as the same shall be so held and reserved by the United States: Provided, That a sufficient description by metes and bounds, and an accurate plat or map of each tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents, or other evidences in writing of the title of the United States: And provided, That all civil process issued from the courts of this state, and such criminal process as may issue under the authority of this state, against any person charged with crime in cases arising outside of such reservation, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein had not been made.

ARTICLE XXVI.

COMPACT WITH THE UNITED STATES.

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

First: That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second: That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States, and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof, and that no taxes shall be imposed by the state on lands or property therein belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, That nothing in this ordinance shall preclude the state from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relation, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of Congress may prescribe.

Third: The debts and liabilities of the Territory of Washington, and payment of the same, are hereby assumed by this state.

Fourth: Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control, which shall be open to all the children of said state.

ARTICLE XXVII.

SCHEDULE.

In order that no inconvenience may arise by reason of a change from territorial to a state government, it is hereby declared and ordained as follows:

SECTION 1. No existing rights, actions, suits, proceedings, contracts or

claims shall be affected by a change in the form of government, but all shall continue as if no change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

SEC. 2. All laws now in force in the Territory of Washington, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the Legislature: Provided, That this section shall not be so construed as to validate any act of the Legislature of Washington Territory granting shore or tide lands to any person, company, or any municipal or private corporation.

SEC. 3. All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government, shall remain valid, and shall pass to and may be prosecuted in the name of the state, and all bonds executed to the Territory of Washington, or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be used for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments, decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the state of Washington, and may be sued for and recovered in the same manner, and to the same extent by the State of Washington, as the same could have been by the Territory of Washington.

SEC. 5. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall be pending, shall be prosecuted to judgment and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued and transferred to the court of the state having jurisdiction of the subject matter thereof.

SEC. 6. All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

SEC. 7. All officers provided for in this constitution, including a county clerk for each county, when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this constitution on the first Tuesday of October, 1889.

SEC. 8. Whenever the judge of the superior court of any county, elected or appointed under the provisions of this constitution, shall have qualified, the several causes then pending in the district court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States District Court, had such court existed at the time of the commencement of such causes within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county or counties, other than that in which such records are kept, the original papers in all cases pending

in such district court and belonging to the jurisdiction of such county or counties, together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the territory shall be superseded in manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts, respectively, as heretofore constituted under the laws of the territory. Whenever a quorum of the judges of the Supreme Court of the state shall have been elected and qualified, the causes then pending in the Supreme Court of the territory, except such causes as would have been within the exclusive jurisdiction of the United States Circuit Court, had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court, and seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the Supreme Court of the state, and until so superseded, the Supreme Court of the territory and the judges thereof shall continue with like powers and jurisdiction as if this constitution had not been adopted.

SEC. 9. Until otherwise provided by law, the seal now in use in the Supreme Court of the territory shall be the seal of the Supreme Court of the state. The seals of the Superior Courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington, with the words: "Seal of the Superior Court of ___ _____ County," surrounding the vignette. The seal of municipalities, and all county officers of the territory, shall be the seals of such municipalities and county officers, respectively, under the state, until otherwise provided by law.

SEC. 10. When the state is admitted into the Union, and the Superior Courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the Superior Court of the same county created by this constitution, and the said court shall proceed to final judgment or decree, order or other determination, in the several matters and causes as the territorial probate court might have done if this constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the territory. The Superior Courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

SEC. 11. The Legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this constitution, and fix the time for commencement and duration of their term.

SEC. 12. In case of a contest of election between candidates, at the first general election under this constitution, for judges of the Superior Courts, the evidence shall be taken in the manner prescribed by the territorial laws, and the testimony so taken shall be certified to the Secretary of State; and said officer, together with the Governor and Treasurer of State, shall review the evidence and determine who is entitled to the certificate of election.

SEC. 13. One representative in the Congress of the United States shall be elected, from the state at large, at the first election provided for in this constitution; and thereafter at such times and places and in such manner as may be prescribed by law. When a new apportionment shall be made by Congress, the Legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in Congress, at the first election, shall be canvassed and the result determined in the manner provided for by the laws of the territory for the canvass of the vote for delegate in Congress.

SEC. 14. All district, county and precinct officers, who may be in office at the time of the adoption of this constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D. 1891, and until such time as their suc-

essors may be elected and qualified, in accordance with the provisions of his constitution; and the official bond of all such officers shall continue in full force and effect as though this constitution had not been adopted. And such officers shall continue to receive the compensation now provided until the same is changed by law.

SEC. 15. The election held at the time of the adoption of this constitution shall be held and conducted in all respects according to the laws of the territory, and the votes cast at said election for all officers (where no other provisions are made in this constitution), and for the adoption of this constitution and the several separate articles, and the location of the state capital, shall be canvassed and returned in the several counties in the manner provided by territorial law, and shall be returned to the Secretary of the Territory in the manner provided by the enabling act.

SEC. 16. The provisions of this constitution shall be in force from the day on which the President of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

SEC. 17. The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this constitution: Separate article No. 1: "All persons, male and female, of the age of 21 years or over, possessing the other qualifications provided by this constitution, shall be entitled to vote at all elections." Separate article No. 2: "It shall not be lawful for any individual, company, or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes." If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate articles so receiving a majority shall become a part of this constitution and shall govern and control any provision of the constitution in conflict therewith.

SEC. 18. The form of ballot to be used in voting for or against this Constitution, or for or against the separate articles, or for the permanent location of the government, shall be:

1. For the Constitution.
   Against the Constitution.
2. For Woman Suffrage Article.
   Against Woman Suffrage Article.
3. For Prohibition Article.
   Against Prohibition Article.
4. For the permanent location of the seat of government. (Name of place voted for.)

SEC. 19. The Legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this constitution not provided for by the enabling act of Congress.

CERTIFICATE.

We, the undersigned, members of the convention to form a constitution for the state of Washington, which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the constitution formed by us, and in testimony thereof, do hereunto set out hands, this twenty-second day of August, anno domini, one thousand eight hundred and eighty-nine.

JOHN P. HOYT, *President.*

Attest:
JOHN L. BOOGE, *Chief Clerk*

CONSTITUTION OF WEST VIRGINIA—1872.*

ARTICLE I.

RELATION TO THE GOVERNMENT OF THE UNITED STATES.

SECTION 1. The State of West Virginia is, and shall remain, one of the United States of America. The Constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land.

SEC. 2. The government of the United States is a government of enumerated powers, and all powers not delegated to it, nor inhibited to the States, are reserved to the States or to the people thereof. Among the powers so reserved to the States is the exclusive regulation of their own internal government and police; and it is the high and solemn duty of the several departments of government, created by this Constitution, to guard and protect the people of this State from all encroachments upon the rights so reserved.

SEC. 3. The provisions of the Constitution of the United States, and of this State, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good government, and tends to anarchy and despotism.

SEC. 4. For the election of representatives to congress, the State shall be divided into districts, corresponding in number with the representatives to which it may be entitled; which districts shall be formed of contiguous counties, and be compact. Each district shall contain, as nearly as may be, an equal number of population, to be determined according to the rule prescribed in the Constitution of the United States.

ARTICLE II.

THE STATE.

SECTION 1. The territory of the following counties, formerly parts of the Commonwealth of Virginia, shall constitute and form the State of West Virginia, viz.:

The counties of Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo[1], Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming. The State of West Virginia includes the bed, bank and shores of the Ohio river, and so much of the Big Sandy river as was formerly included in the Commonwealth of Virginia; and all territorial rights and property in, and jurisdiction over the same, heretofore reserved by and vested in the Commonwealth of Virginia, are vested in and shall hereafter be exercised by the State of West Virginia. And such parts of the said beds, banks and shores, as lie opposite and adjoining the several counties of this State, shall form parts of said several counties, respectively.

SEC. 2. The powers of government reside in all the citizens of the State and can be rightfully exercised only in accordance with their will and appointment.

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*The convention which framed the constitution of West Virginia assembled at Charleston on Jan. 16, 1872, and adjourned on Apr. 9, 1872. The constitution and schedule were submitted to the electors on Aug. 22, 1872, and were ratified by a majority of 4,567, out of a total vote of 80,000. The constitution and schedule became operative on the fourth Thursday of August, 1872.

[1] Mingo county was created by the acts of 1895, Chap. 68.

SEC. 3. All persons residing in this State, born, or naturalized in the United States, and subject to the jurisdiction thereof, shall be citizens of this State.

SEC. 4. Every citizen shall be entitled to equal representation in the government, and, in all apportionments of representation, equality of numbers of those entitled thereto, shall as far as practicable, be preserved.

SEC. 5. No distinction shall be made between resident aliens and citizens, as to the acquisition, tenure, disposition or descent of property.

SEC. 6. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court. Treason shall be punished, according to the character of the acts committed, by the infliction of one, or more of the penalties, of death, imprisonment or fine, as may be prescribed by law.

SEC. 7. The present seal of the State with its motto, "Montani Semper Liberi," shall be the great seal of the State of West Virginia, and shall be kept by the Secretary of State, to be used by him officially, as directed by law.

SEC. 8. Writs, grants and commissions, issued under the authority of this State shall run in the name of, and official bonds shall be made payable to the State of West Virginia. Indictments shall conclude, "Against the peace and dignity of the State."

ARTICLE III.

BILLS OF RIGHTS.

SECTION 1. All men are, by nature, equally free and independent, and have certain inherent rights, of which when they enter into a state of society, they can not, by any compact, deprive or divest their posterity, namely: the enjoyment of life and liberty, with the means of acquiring and possessing property, and of pursuing and obtaining happiness and safety.

SEC. 2. All power is vested in, and consequently derived from, the people. Magistrates are their trustees and servants, and at all times amenable to them.

SEC. 3. Government is instituted for the common benefit, protection and security of the people, nation or community. Of all its various forms that is the best, which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and when any government shall be found inadequate or contrary to these purposes, a majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter or abolish it in such a manner as shall be judged most conducive to the public weal.

SEC. 4. The privilege of a writ of habeas corpus shall not be suspended. No person shall be held to answer for treason, felony or other crime not cognizable by a justice, unless on presentment or indictment of a grand jury. No bill of attainder, ex post facto law, or law impairing the obligation of a contract, shall be passed.

SEC. 5. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. Penalties shall be proportioned to the character and degree of the offense. No person shall be transported out of, or forced to leave the State for any offense committed within the same; nor shall any person, in any criminal case, be compelled to be a witness against himself, or be twice put in jeopardy of life or liberty for the same offense.

SEC. 6. The right of citizens to be secure in their houses, persons, papers and effects, against unreasonable searches and seizures, shall not be violated. No warrant shall issue except upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, or the person or thing to be seized.

SEC. 7. No law abridging the freedom of speech, or of the press, shall be passed; but the Legislature may by suitable penalties, restrain the publication or sale of obscene books, papers or pictures, and provide for the punishment

of libel, and defamation of character, and for the recovery in civil actions, by the aggrieved party, of suitable damages for such libel, or defamation.

SEC. 8. In prosecutions, and civil suits for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous, is true, and, was published with good motives, and for justifiable ends, the verdict shall be for the defendant.

SEC. 9. Private property shall not be taken or damaged for public use, without just compensation; nor shall the same be taken by any company, incorporated for the purpose of internal improvements, until just compensation shall have been paid or secured to be paid, to the owner; and when private property shall be taken, or damaged, for public use, or for the use of such corporations, the compensation to the owner shall be ascertained in such manner, as may be prescribed by general law; Provided, that when required by either of the parties, such compensation shall be ascertained by an impartial jury of twelve freeholders.

SEC. 10. No person shall be deprived of life, liberty, or property, without due process of law, and the judgment of his peers.

SEC. 11. Political tests requiring persons, as a pre-requisite to the enjoyment of their civil and political rights, to purge themselves by their own oaths, of past alleged offenses, are repugnant to the principles of free government, and are cruel and oppressive. No religious or political test oath shall be required as a pre-requisite or qualification to vote, serve as a juror, sue, plead, appeal, or pursue any profession or employment. Nor shall any person be deprived by law, of any right, or privilege, because of any act done prior to the passage of such law.

SEC. 12. Standing armies in time of peace, should be avoided as dangerous to liberty. The military shall be subordinate to the civil power; and no citizen unless engaged in the military service of the State, shall be tried or punished by any military court, for any offense that is cognizable by the civil courts of the State. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 13. In suits at common law, where the value in controversy exceeds twenty dollars exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit before a justice a jury may consist of six persons. No fact tried by a jury shall be otherwise re-examined in any case than according to the rules of the common law.[2]

SEC. 14. Trial of crimes, and of misdemeanors, unless herein otherwise provided, shall be by a jury of twelve men, public, without unreasonable delay, and in the county where the alleged offence was committed, unless upon petition of the accused, and for good cause shown, it is removed to some other county. In all such trials, the accused shall be fully and plainly informed of the character and cause of the accusation, and be confronted with the witnesses against him, and shall have the assistance of counsel, and a reasonable time to prepare for his defence; and there shall be awarded to him compulsory process for obtaining witnesses in his favor.

SEC. 15. No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess, and by argument, to maintain their opinions in matters of religion; and the same shall, in no wise, affect, diminish or enlarge their civil capacities; and the legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this State, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contract as he shall please.

[2] Amendment proposed by the legislature of 1879 and ratified on Oct. 12, 1880.

SEC. 16. The right of the people to assemble in a peaceable manner, to consult for the common good, to instruct their representatives, or to apply for redress of grievances, shall be held inviolate.

SEC. 17. The courts of this State shall be open, and every person, for an injury done to him, in his person, property or reputation, shall have remedy by due course of law; and justice shall be administered without sale, denial or delay.

SEC. 18. No conviction shall work corruption of blood or forfeiture of estate.

SEC. 19. No hereditary emoluments, honors, or privileges shall ever be granted or conferred in this State.

SEC. 20. Free government and the blessings of liberty can be preserved to any people only by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

ARTICLE IV.

ELECTIONS AND OFFICERS.

SECTION 1. The male citizens of the State shall be entitled to vote at all elections held within the counties in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the State for one year, and of the county in which he offers to vote, sixty days next preceding such offer, shall be permitted to vote while such disability continues; but no person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed therein.

SEC. 2. In all elections by the people, the mode of voting shall be by ballot; but the voter shall be left free to vote by either open, sealed or secret ballot, as he may elect.

SEC. 3. No voter, during the continuance of an election at which he is entitled to vote, or during the time necessary and convenient for going to and returning from the same, shall be subject to arrest upon civil process, or be compelled to attend any court, or judicial proceeding, as suitor, juror or witness; or to work upon the public roads; or, except in time of war or public danger, to render military service.

SEC. 4. No person, except citizens entitled to vote, shall be elected or appointed to any State, county or municipal office; but the Governor and Judges must have attained the age of thirty, and the Attorney General and Senators the age of twenty-five years, at the beginning of their respective terms of service; and must have been citizens of the State for five years next preceding their election or appointment, or be citizens at the time this Constitution goes into operation.

SEC. 5. Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment, and no other oath, declaration or test shall be required as a qualification, unless herein otherwise provided.

SEC. 6. All officers elected or appointed under this Constitution, may, unless in cases herein otherwise provided for, be removed from office, for official misconduct, incompetence, neglect of duty, or immorality, in such manner as may be prescribed by general laws, and unless so removed they shall continue to discharge the duties of their respective offices, until their successors are elected, or appointed and qualified.

SEC. 7. The general elections of State and county officers, and of members of the legislature, shall be held on the Tuesday next after the first Monday in November, until otherwise provided by law. The terms of such officers not elected, or appointed to fill a vacancy, shall, unless herein otherwise

provided, begin, on the first day of January; and of the members of the Legislature, on the first day of December next succeeding their election. Elections to fill vacancies shall be for the unexpired term. When vacancies occur prior to any general election, they shall be filled by appointments, in such manner as may be prescribed herein, or by general law, which appointments shall expire at such time after the next general election as the person so elected to fill such vacancy shall be qualified.[3]

SEC. 8. The legislature, in cases not provided for in this Constitution, shall prescribe, by general laws, the terms of office, powers, duties and compensation of all public officers and agents, and the manner in which they shall be elected, appointed and removed.

SEC. 9. Any officer of the State may be impeached for mal-administration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. The senate shall have the sole power to try impeachments, and no person shall be convicted without the concurrence of two-thirds of the members elected thereto. When sitting as a court of impeachment, the President of the Supreme Court of Appeals, or if from any cause it be improper for him to act, then any other judge of that court, to be designated by it, shall preside; and the Senators shall be on oath or affirmation to do justice according to law and evidence. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under the State; but the party convicted shall be liable to indictment, trial, judgment and punishment, according to law. The Senate may sit during the recess of the Legislature, for the trial of impeachments.

SEC. 10. Any citizen of this State, who shall, after the adoption of this Constitution, either in, or out of the State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as a second or knowingly aid, or assist in such duel, shall, ever thereafter, be incapable of holding any office of honor, trust or profit in this State.

SEC. 11. The Legislature shall prescribe the manner of conducting and making returns of elections, and of determining contested elections; and shall pass such laws as may be necessary and proper to prevent intimidation, disorder or violence at the polls, and corruption or fraud in voting, counting the vote, ascertaining and declaring the result, or fraud in any manner, upon the ballot.

SEC. 12. The Legislature shall enact proper laws for the registration of all qualified voters in this State.[4]

ARTICLE V.

DIVISION OF POWERS.

SECTION 1. The Legislative, Executive and Judicial Departments shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to the Legislature.

ARTICLE VI.

LEGISLATURE.

SECTION 1. The legislative power shall be vested in a Senate and House of Delegates. The style of their Acts shall be, "Be it enacted by the Legislature of West Virginia."

SEC. 2. The Senate shall be composed of twenty-four, and the House of Delegates of sixty-five members subject to be increased according to the provisions hereinafter contained.[5]

[3] Amendment proposed by the legislature of 1883 and ratified on Oct. 14, 1884.
[4] Amendment proposed by the legislature of 1901 and ratified on Nov. 4, 1902.
[5] The senate now consists of 30 and the house of delegates of 86 members as provided by the acts of 1901, Chap. 10.

SEC. 3. Senators shall be elected for the term of four years and Delegates for the term of two years. The Senators first elected, shall divide themselves into two classes, one Senator from every district being assigned to each class; and of these classes, the first to be designated by lot in such manner as the Senate may determine, shall hold their seats for two years; and the second for four years, so that after the first election, one-half of the Senators shall be elected biennially.

SEC. 4. For the election of Senators, the State shall be divided into twelve[6] Senatorial Districts, which number shall not be diminished, but may be increased as hereinafter provided. Every district shall elect two Senators, but where the district is composed of more than one county, both shall not be chosen from the same county. The districts shall be compact, formed of contiguous territory, bounded by county lines, and, as nearly as practicable, equal in population, to be ascertained by the census of the United States. After every such census, the Legislature shall alter the Senatorial Districts, so far as may be necessary to make them conform to the foregoing provision.

SEC. 5. Until the Senatorial Districts shall be altered by the Legislature as herein prescribed, the counties of Hancock, Brooke and Ohio shall constitute the first Senatorial District; Marshall, Wetzel and Marion, the second; Ritchie, Doddridge, Harrison, Gilmer and Calhoun, the third; Tyler, Pleasants, Wood and Wirt, the fourth; Jackson, Mason, Putnam and Roane, the fifth; Kanawha, Clay, Nicholas, Braxton and Webster, the sixth; Cabell, Wayne, Lincoln, Boone, Logan, Wyoming, McDowell and Mercer, the seventh; Monroe, Greenbrier, Summers, Pocahontas, Fayette and Raleigh, the eighth; Lewis, Randolph, Upshur, Barbour, Taylor and Tucker, the ninth; Preston and Monongalia, the tenth; Hampshire, Mineral, Hardy, Grant and Pendleton, the eleventh; Berkeley, Morgan and Jefferson, the twelfth.[7]

SEC. 6. For the election of Delegates, every county containing a population of not less than three-fifths of the ratio of representation for the House of Delegates, shall, at each apportionment, be attached to some contiguous county or counties, to form a Delegate District.[8]

SEC. 7. After every census the Delegates shall be apportioned as follows: The ratio of representation for the House of Delegates shall be ascertained by dividing the whole population of the State by the number of which the House is to consist and rejecting the fraction of a unit, if any, resulting from such division. Dividing the population of every Delegate District, and of every county not included in a Delegate District, by the ratio thus ascertained, there shall be assigned to each a number of Delegates equal to the quotient obtained by this division, excluding the fractional remainder. The additional Delegates necessary to make up the number of which the House is to consist, shall then be assigned to those Delegate Districts, and counties not included in a Delegate District, which would otherwise have the largest fractions unrepresented, but every Delegate District and county not included in a Delegate District shall be entitled to at least one Delegate.[8]

SEC. 8. Until a new apportionment shall be declared, the counties of Pleasants and Wood shall form the first Delegate District, and elect three Delegates; Ritchie and Calhoun the second, and elect two Delegates; Barbour, Harrison and Taylor the third, and elect one Delegate; Randolph and Tucker the fourth, and elect one Delegate; Nicholas, Clay and Webster the fifth, and elect one Delegate; McDowell and Wyoming the sixth, and elect one Delegate.[8]

SEC. 9. Until a new apportionment shall be declared the apportionment of Delegates to the counties not included in Delegate Districts, and to Barbour, Harrison and Taylor counties, embraced in such Districts, shall be as follows:

[6] There are now fifteen senatorial districts as provided in the acts of 1901, Chap. 10.

[7] By the provisions of the reapportionment act of 1901, the number of senatorial districts was increased to fifteen and the counties constituting each district were changed. See Acts 1901, Chap. 10.

[8] By the provisions of an act of 1901, Chap. 10, the house of delegates consisted of 86 members, each county having at least one member. Since the general election of 1916, the house of delegates has consisted of 94 members, each county having at least one member. See Chap. 30, p. 270, Acts Regular Session, 1915.

To Barbour, Boone, Braxton, Brooke, Cabell, Doddridge, Fayette, Hampshire, Hancock, Jackson, Lewis, Logan, Greenbrier, Monroe, Mercer, Mineral, Morgan, Grant, Hardy, Lincoln, Pendleton, Putnam, Roane, Gilmer, Taylor, Tyler, Upshur, Wayne, Wetzel, Wirt, Pocahontas, Summers and Raleigh counties, one delegate each.

To Berkeley, Harrison, Jefferson, Marion, Marshall, Mason, Monongalia and Preston counties, two Delegates each.

To Kanawha county, three Delegates.

To Ohio county, four Delegates.[8]

SEC. 10. The arrangement of the Senatorial and Delegate Districts, and apportionment of Delegates, shall hereafter be declared by law, as soon as possible after each succeeding census, taken by authority of the United States. When so declared they shall apply to the first general election for members of the Legislature, to be thereafter held, and shall continue in force unchanged, until such Districts shall be altered, and Delegates apportioned, under the succeeding census.

SEC. 11. Additional territory may be admitted into, and become part of this State, with the consent of the Legislature and a majority of the qualified voters of the State, voting on the question. And in such case provision shall be made by law for the representation thereof in the Senate and House of Delegates, in conformity with the principles set forth in this Constitution. And the number of members of which each house of the Legislature is to consist, shall thereafter be increased by the representation assigned to such additional territory.

SEC. 12. No person shall be a Senator or Delegate who has not for one year next preceding his election, been a resident within the District or county from which he is elected; and if a Senator or Delegate remove from the District or county for which he was elected, his seat shall be thereby vacated.

SEC. 13. No person holding a lucrative office under this State, the United States, or any foreign government; no member of Congress; no person who is a salaried officer of any railroad company, or who is sheriff, constable, or clerk of any court of record, shall be eligible to a seat in the Legislature.

SEC. 14. No person who has been, or hereafter shall be convicted of bribery, perjury, or other infamous crime, shall be eligible to a seat in the Legislature. No person who may have collected or been entrusted with public money, whether state, county, township, district, or other municipal organization, shall be eligible to the Legislature, or to any office of honor, trust or profit in this State until he shall have duly accounted for and paid over such money according to law.

SEC. 15. No Senator or Delegate, during the term for which he shall have been elected, shall be elected or appointed to any civil office of profit under this State, which has been created, or the emoluments of which have been increased during such term, except offices to be filled by election by the people. Nor shall any member of the Legislature be interested, directly or indirectly, in any contract with the State, or any county thereof authorized by any law passed during the term for which he shall have been elected.

SEC. 16. Members of the Legislature, before they enter upon their duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of West Virginia, and faithfully discharge the duties of Senator (or Delegate) according to the best of my ability;" and they shall also take this further oath, to-wit: "I will not accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company, or person, for any vote or influence I may give or withhold, as Senator (or Delegate), or any bill, resolution or appropriation, or for any act I may do or perform as Senator (or Delegate)." These oaths shall be administered in the hall of the house to which the member is elected, by a Judge of the Supreme Court of Appeals, or of a Circuit Court, or by any other person authorized by law to administer an oath; and the Secretary of State shall record and file said oaths subscribed by each member; and no other oath or

declaration shall be required as a qualification. Any member who shall refuse to take the oath herein prescribed shall forfeit his seat; and any member who shall be convicted of having violated the oath last above required to be taken, shall forfeit his seat and be disqualified thereafter from holding any office of profit and trust in this State.

SEC. 17. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during the session, and for ten days before and after the same; and for words spoken in debate, or any report, motion or proposition made in either house, a member shall not be questioned in any other place.

SEC. 18. The Legislature shall assemble at the seat of Government, biennially and not oftener, unless convened by the Governor. The first session of the Legislature, after the adoption of this Constitution, shall commence on the third Tuesday of November, 1872, and the regular biennial session of the Legislature shall commence on the second Wednesday of January, 1875, and every two years thereafter, on the same day.

SEC. 19. The Governor may convene the Legislature by proclamation whenever, in his opinion, the public safety or welfare shall require it. It shall be his duty to convene it, on application in writing, of three-fifths of the members elected to each house.

SEC. 20. The seat of Government shall be at Charleston, until otherwise provided by law.

SEC. 21. The Governor may convene the Legislature at another place, when, in his opinion, it can not safely assemble at the seat of Government, and the Legislature may, when in session, adjourn to some other place, when in its opinion, the public safety or welfare, or the safety of the members, or their health shall require it.

SEC. 22. No session of the Legislature, after the first shall continue longer than forty-five days, without the concurrence of two-thirds of the members elected to each House.

SEC. 23. Neither House shall, during the session, adjourn for more than three days, without the consent of the other. Nor shall either, without such consent, adjourn to any other place than that in which the Legislature is sitting.

SEC. 24. A majority of the members elected to each House of the Legislature, shall constitute a quorum. But a smaller number may adjourn from day to day, and shall be authorized to compel the attendance of absent members, as each House may provide. Each House shall determine the rules of its proceedings and be the judge of the elections, returns and qualifications of its own members. The Senate shall choose, from its own body, a President: and the House of Delegates, from its own body, a Speaker. Each House shall appoint its own officers, and remove them at pleasure. The oldest Delegate present shall call the House to order, at the opening of each new House of Delegates, and preside over it until the Speaker thereof shall have been chosen, and have taken his seat. The oldest member of the Senate present at the commencement of each regular session thereof, shall call the Senate to order, and preside over the same until a President of the Senate shall have been chosen and have taken his seat.

SEC. 25. Each House may punish its own members for disorderly behavior, and with the concurrence of two-thirds of the members elected thereto, expel a member, but not twice for the same offense.

SEC. 26. Each House shall have power to provide for its own safety, and the undisturbed transactions of its business, and may punish by imprisonment, any person not a member, for disrespectful behavior in its presence; for obstructing any of its proceedings, or of its officers in the discharge of his duties, or for any assault, threat or abuse of a member, for words spoken in debate. But such imprisonment shall not extend beyond the termination of the session, and shall not prevent the punishment of any offense, by the ordinary course of law.

SEC. 27. Laws shall be enacted and enforced, by suitable provisions and

penalties requiring sheriffs, and all other officers, whether State, county, district or municipal, who shall collect or receive, or whose official duty it is or shall be, to collect, receive, hold or pay out any money belonging to, or which is, or shall be, for the use of the State or of any county, district, or municipal corporation, to make annual account and settlement therefor. Such settlement, when made, shall be subject to exceptions, and take such direction, and have only such force and effect, as may be provided by law; but in all cases, such settlement shall be recorded, and be open to the examination of the people at such convenient place or places as may be appointed by law.

SEC. 28. Bills and resolutions may originate in either House, but may be passed, amended or rejected by the other.

SEC. 29. No bill shall become a law until it has been fully and distinctly read, on three different days, in each House, unless in case of urgency, by a vote of four-fifths of the members present, taken by yeas and nays on each bill, this rule be dispensed with; Provided, in all cases, that an engrossed bill shall be fully and distinctly read in each House.

SEC. 30. No act hereafter passed shall embrace more than one object, and that shall be expressed in the title. But if any object shall be embraced in an act which is not so expressed, the act shall be void only as to so much thereof as shall not be expressed, and no law shall be revived, or amended, by reference to its title only; but the law revived, or the section amended, shall be inserted at large, in the new act. And no act of the Legislature, except such as may be passed at the first session under this Constitution, shall take effect until the expiration of ninety days after its passage, unless the Legislature shall by a vote of two-thirds of the members elected to each House, taken by yeas and nays, otherwise direct.

SEC. 31. When a bill or joint resolution passed by one House, shall be amended by the other, the question on agreeing to the bill, or joint resolution, as amended, shall be again voted on, by the yeas and nays, in the House by which it was originally passed, and the result entered upon its journals; in all such cases the affirmative vote of a majority of all the members elected to such House shall be necessary.

SEC. 32. Whenever the words, "a majority of the members elected to either House of the Legislature," or words of like import, are used in this Constitution, they shall be construed to mean a majority of the whole number of members to which each House is, at the time, entitled, under the apportionment of representation, established by the provisions of this Constitution.

SEC. 33. The members of the Legislature shall each receive for their services the sum of four dollars per day and ten cents for each mile traveled in going to and returning from the seat of government by the most direct route. The Speaker of the House of Delegates and the President of the Senate, shall each receive an additional compensation of two dollars per day for each day they shall act as presiding officers. No other allowance or emolument than that by this section provided shall directly or indirectly be made or paid to the members of either House for postage, stationery, newspapers, or any other purpose whatever.

SEC. 34. The Legislature shall provide by law that the fuel, stationery and printing paper, furnished for the use of the State; the copying, printing, binding and distributing the laws and journals; and all other printing ordered by the Legislature, shall be let by contract to the lowest responsible bidder, bidding under a maximum price to be fixed by the Legislature; and no member or officer thereof, or officer of the State, shall be interested, directly or indirectly, in such contract, but all such contracts shall be subject to the approval of the Governor, and in case of his disapproval of any such contract, there shall be a reletting of the same in the manner prescribed by law.

SEC. 35. The State of West Virginia shall never be made defendant in any court of law or equity.

SEC. 36. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale of lottery or gift enterprise tickets in this State.

SEC. 37. No law shall be passed after the election of any public officer, which shall operate to extend the term of his office.

SEC. 38. No extra compensation shall be granted or allowed to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract made; nor shall any Legislature authorize the payment of any claim or part thereof, hereafter created against the State, under any agreement or contract made, without express authority of law; and all such unauthorized agreements shall be null and void. Nor shall the salary of any public officer be increased or diminished during his term of office, nor shall any such officer, or his or their sureties be released from any debt or liability due the State: Provided, The Legislature may make appropriations for expenditures hereafter incurred in suppressing insurrection, or repelling invasion.

SEC. 39. The Legislature shall not pass local or special laws in any of the following enumerated cases; that is to say for:

Granting divorces;

Laying out, opening, altering and working roads or highways;

Vacating roads, town plats, streets, alleys and public grounds;

Locating or changing county seats;

Regulating or changing county or district affairs;

Providing for the sale of church property, or property held for charitable uses;

Regulating the practice in courts of justice;

Incorporating cities, towns or villages, or amending the charter of any city, town or village, containing a population of less than two thousand;

Summoning or impaneling grand or petit juries;

The opening or conducting of any election, or designating the place of voting;

The sale and mortgage of real estate belonging to minors, or others under disability;

Chartering, licensing, or establishing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Changing the laws of descent;

Regulating the rates of interest;

Authorizing deeds to be made for land sold for taxes;

Releasing taxes; Releasing title to forfeited lands.

The Legislature shall provide, by general laws, for the foregoing and all other cases for which provision can be made; and in no case shall a special act be passed, where a general law would be proper, and can be made applicable to the case nor in any other case in which the courts have jurisdiction, and are competent to give the relief asked for.

SEC. 40. The Legislature shall not confer upon any court, or judge, the power of appointment to office, further than the same is herein provided for.

SEC. 41. Each House shall keep a journal of its proceedings, and cause the same to be published from time to time, and all bills and joint resolutions shall be described therein, as well by their title as their number, and the ayes and nays on any question, if called for by one-tenth of those present, shall be entered on the journal.

SEC. 42. Bills making appropriations for the pay of members and officers of the Legislature, and for salaries for the officers of the Government, shall contain no provision on any other subject.

SEC. 43. The Legislature shall never authorize or establish any board or court of registration of voters.

SEC. 44. In all elections to office which may hereafter take place in the Legislature, or in any county, or municipal body, the vote shall be viva voce, and be entered on its journals.

SEC. 45. It shall be the duty of the Legislature, at its first session after the adoption of this Constitution, to provide, by law, for the punishment by imprisonment in the penitentiary, of any person, who shall bribe, or attempt to bribe, any executive or judicial officer of this State, or any member of the Legislature in order to influence him in the performance of any of his official

or public duties; and also to provide by law for the punishment by imprisonment in the penitentiary of any of said officers, or any member of the Legislature, who shall demand, or receive, from any corporation, company or person, any money, testimonial, or other valuable thing, for the performance of his official or public duties, or for refusing or failing to perform the same, or for any vote or influence a member of the Legislature may give or withhold as such member, and also to provide by law for compelling any person, so bribing or attempting to bribe, or so demanding or receiving a bribe, fee, reward, or testimonial, to testify against any person or persons, who may have committed any of said offences; Provided, That any person so compelled to testify, shall be exempted from trial and punishment for the offence of which he may have been guilty, and concerning which he is compelled to testify; and any person convicted of any of the offences specified in this section shall, as a part of the punishment thereof, be forever disqualified from holding any office or position of honor, trust, or profit in this State.

SEC. 46. On and after the first day of July, one thousand nine hundred and fourteen, the manufacture, sale and keeping for sale of malt, vinous or spirituous liquors, wine, porter, ale, beer or any intoxicating drink, mixture or preparation of like nature, except as hereinafter provided, are hereby prohibited in this State; provided, however, that the manufacture and sale and keeping for sale of such liquors for medicinal, pharmaceutical, mechanical, sacramental and scientific purposes, and the manufacture and sale of denatured alcohol for industrial purposes may be permitted under such regulations as the Legislature may prescribe. The Legislature shall, without delay, enact such laws, with regulations, conditions, securities and penalties as may be necessary to carry into effect the provisions of this section.[9]

SEC. 47. No charter of incorporation shall be granted to any church or religious denomination. Provision may be made by general laws for securing the title to church property, and for the sale and transfer thereof, so that it shall be held, used, or transferred for the purpose of such church or religious denomination.

SEC. 48. Any husband or parent, residing in this State, or the infant children of deceased parents, may hold a homestead of the value of one thousand dollars and personal property to the value of two hundred dollars, exempt from forced sale subject to such regulations as shall be prescribed by law: Provided, That such homestead exemption shall in no wise affect debts or liabilities existing at the time of the adoption of this Constitution; and provided further, That no property shall be exempt from sale for taxes due thereon, or for the payment of purchase money due upon said property, or for debts contracted for the erection of improvements thereon.

SEC. 49. The Legislature shall pass such Laws as may be necessary to protect the property of married women from the debts, liabilities and control of their husbands.

SEC. 50. The Legislature may provide for submitting to a vote of the people at the general election to be held in 1876, or at any general election thereafter, a plan or scheme of proportional representation in the Senate of this State; and if a majority of the votes cast at such election be in favor of the plan submitted to them, the Legislature shall, at its session succeeding such election, rearrange the Senatorial Districts in accordance with the plan so approved by the people.

ARTICLE VII.

EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department shall consist of a Governor, Secretary of State, State Superintendent of Free Schools, Auditor, Treasurer and Attorney-General, who shall be ex-officio, Reporter of the Court of Appeals. Their terms of office, respectively, shall be four years, and shall commence on the fourth day of March, next after their election. They shall, except the Attorney-General, reside at the seat of government during their term of office

[9] Amendment proposed by the legislature of 1911, and ratified on Nov. 5, 1912.

and keep there the public records, books and papers pertaining to their respective offices and shall perform such duties as may be prescribed by law.

ELECTIONS.

SEC. 2. An election for governor, secretary of state, state superintendent of free schools, auditor, treasurer and attorney general, shall be held at such times and places as may be prescribed by law.[10]

SEC. 3. The returns of every election for the above named officers shall be sealed up and transmitted by the returning officers to the secretary of state, directed to the speaker of the house of delegates, who shall immediately after the organization of the house, and before proceeding to business, open and publish the same, in the presence of a majority of each house of the legislature, which shall for that purpose assemble in the hall of the house of delegates. The person having the highest number of votes for either of said offices, shall be declared duly elected thereto; but if two or more have an equal and the highest number of votes for the same office, the Legislature shall, by joint vote, choose one of such persons for said office. Contested elections for the office of Governor shall be determined by both houses of the Legislature by joint vote, in such manner as may be prescribed by law.[11]

ELIGIBILITY.

SEC. 4. None of the executive officers mentioned in this article shall hold any other office during the term of his service. The Governor shall not be eligible to said office for the four years next succeeding the term for which he was elected.[12]

SEC. 5. The chief executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed.

SEC. 6. The Governor shall at the commencement of each session give to the Legislature information by message of condition of the State, and shall recommend such measures as he shall deem expedient. He shall accompany his message with a statement of all money received and paid out by him, from any funds, subject to his order with vouchers therefor; and at the commencement of each regular session present estimates of the amount of money required by taxation for all purposes.

SEC. 7. The Governor may, on extraordinary occasions, convene at his own instance, the Legislature; but when so convened it shall enter upon no business except that stated in the proclamation by which it was called together.

SEC. 8. The Governor shall nominate, and by and with the advice and consent of the Senate (a majority of all Senators elected concurring by yeas and nays), appoint all officers whose offices are established by this Constitution, or shall be created by law, and whose appointment or election is not otherwise provided for; and no such officers shall be appointed or elected by the Legislature.

SEC. 9. In case of a vacancy, during the recess of the Senate, in any office which is not elective, the Governor shall, by appointment, fill such vacancy, until the next meeting of the Senate, when he shall make a nomination for such office, and the person so nominated, when confirmed by the Senate (a majority of all the Senators elected concurring by yeas and nays), shall hold his office during the remainder of the term, and until his successor shall be appointed and qualified. No person, after being rejected by the Senate, shall be again nominated for the same office, during the same session unless at the request of the Senate; nor shall such person be appointed to the same office during the recess of the Senate.

SEC. 10. The Governor shall have power to remove any officer whom he may appoint, in case of incompetency, neglect of duty, gross immorality, or malfeasance in office; and he may declare his office vacant and fill the same as herein provided in other cases of vacancy.

[10] Amendment proposed by the legislature of 1901 and ratified at the election of Nov. 4, 1902.
[11] Amendment proposed by the legislature of 1901 and ratified on Nov. 4, 1902.
[12] Amendment proposed by the legislature of 1901 and ratified on Nov. 4, 1902.

SEC. 11. The Governor shall have power to remit fines and penalties in such cases and under such regulations as may be prescribed by law; to commute capital punishment and, except where the prosecution has been carried on by the House of Delegates, to grant reprieves and pardons after conviction; but he shall communicate to the Legislature at each session the particulars of every case of fine or penalty remitted, of punishment commuted and of reprieve or pardon granted, with his reasons therefor.

SEC. 12. The Governor shall be commander-in-chief of the military forces of the State (except when they shall be called into the service of the United States), and may call out the same to execute the laws, suppress insurrection and repel invasion.

SEC. 13. When any State officer has executed his official bond, the Governor shall, for such causes and in such manner as the Legislature may direct, require of such officer reasonable additional security; and if the security is not given as required his office shall be declared vacant, in such manner as may be provided by law.

SEC. 14. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If he approve he shall sign it, and thereupon it shall become a law; but if not, he shall return it, with his objections, to the House in which it originated, which House shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected to that House, agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and if approved by a majority of the members elected to that House it shall become a law, notwithstanding the objections of the Governor. But in all such cases the vote of each House shall be determined by yeas and nays to be entered on the journal. Any bill which shall not be returned by the Governor within five days (Sunday excepted), after it shall have been presented to him, shall be a law, in like manner as if he had signed it, unless the Legislature shall, by their adjournment prevent its return, in which case, it shall be filed with his objections, in the office of the Secretary of State, within five days after such adjournment, or become a law.

SEC. 15. Every bill passed by the Legislature making appropriations of money, embracing distinct items, shall before it becomes a law, be presented to the Governor; if he disapproves the bill, or any item or appropriation therein contained, he shall communicate such disapproval with his reasons therefor to the House in which the bill originated; but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless re-passed by a majority of each House according to the rules and limitations prescribed in the preceding section in reference to other bills.

SEC. 16. In case of the death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the President of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the Speaker of the House of Delegates; and in all other cases where there is no one to act as Governor, one shall be chosen by joint vote of the Legislature. Whenever a vacancy shall occur in the office of Governor before the first three years of the term shall have expired, a new election for Governor shall take place to fill the vacancy.

SEC. 17. If the office of secretary of state, auditor, treasurer, state superintendent of free schools, or attorney general, shall become vacant by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be prescribed by law. The subordinate officers of the executive department and the officers of all public institutions of the State shall keep an account of all moneys received or disbursed by them, respectively, from all sources, and for every service performed, and make a semi-annual report thereof to the Governor under oath or affirma-

tion; and any officer who shall wilfully make a false report shall be deemed guilty of perjury.[13]

SEC. 18. The subordinate officers of the Executive Department and the officers of all the public institutions of the State, shall at least ten days preceding each regular session of the Legislature, severally report to the Governor, who shall transmit such report to the Legislature, and the Governor may at any time require information in writing, under oath, from the officers of his department, and all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of the respective offices.

SEC. 19. The officers named in this article shall receive for their services a salary to be established by law; which shall not be increased or diminished during their official terms, and they shall not, after the expiration of the terms of those in office at the adoption of this amendment, receive to their own use any fees, costs, perquisites of office or other compensation, and all fees that may hereafter be payable by law, for any service performed by any officer provided for in this article of the constitution, shall be paid in advance into the State treasury.[14]

ARTICLE VIII.[15]

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in a supreme court of appeals, in circuit courts and the judges thereof, in such inferior tribunals as are herein authorized and in justices of the peace.

SUPREME COURT OF APPEALS.

SEC. 2. The supreme court of appeals shall consist of four[16] judges, any three of whom shall be a quorum for the transaction of business. They shall be elected by the voters of the State and hold their office for the term of twelve years, unless sooner removed in the manner prescribed by this constitution, except that the judges in office when this article takes effect shall remain therein until the expiration of their present term of office.

SEC. 3. It shall have original jurisdiction in cases of habeas corpus, mandamus, and prohibition. It shall have appellate jurisdiction in civil cases where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars; in controversies concerning the title or boundaries of land, the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator, or concerning a mill, roadway, ferry or landing; or the right of a corporation or county to levy tolls or taxes; and also, in cases of quo warranto, habeas corpus, mandamus, certiorari and prohibition, and in cases involving freedom or the constitutionality of a law. It shall have appellate jurisdiction in criminal cases where there has been a conviction for felony or misdemeanor in a circuit court, and where a conviction has been had in any inferior court, and been affirmed in a circuit court, and in cases relating to the public revenue, the right of appeal shall belong to the State as well as the defendant, and such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.

No decision rendered by the supreme court of appeals shall be considered as binding authority upon any of the inferior courts of this State, except in the particular case decided, unless such decision is concurred in by at least three judges of said court.

SEC. 5. When a judgment or decree is reversed or affirmed by the supreme court of appeals, every point fairly arising upon the record of the case shall be considered and decided; and the reasons therefor shall be concisely stated in writing and preserved with the record of the case, and it shall be the duty of the court to prepare a syllabus of the points adjudicated in such case concurred

[13] Amendment proposed by the legislature of 1901 and ratified on Nov. 4, 1902.
[14] Amendment proposed by the legislature of 1901 and ratified on Nov. 4, 1902.
[15] The whole of Article VIII is an amendment; it was proposed by the legislature of 1879 and was ratified at the election of Oct. 12, 1880.
[16] The supreme court of appeals now consists of five judges; see [Article XV] ratified in Nov., 1902; see, also, Acts 1903, Chap. 19.

in by three of the judges thereof, which shall be prefixed to the published report of the case.

SEC. 6. A writ of error, supersedeas, or appeal shall be allowed only by the supreme court of appeals, or a judge thereof, upon a petition assigning error in the judgment or proceedings of the inferior court and then only after said court or judge shall have examined and considered the record and assignment of errors, and is satisfied that there is error in the same, or that it presents a point proper for the consideration of the supreme court of appeals.

SEC. 7. If from any cause a vacancy shall occur in the supreme court of appeals the Governor shall issue a writ of election to fill such vacancy at the next general election for the residue of the term, and in the meantime he shall fill such vacancy by appointment until a judge is elected and qualified. But if the unexpired term be less than two years the Governor shall fill such vacancy by appointment for the unexpired term.

SEC. 8. The officers of the supreme court of appeals, except the reporter, shall be appointed by the court, or in vacation by the judges thereof, with the power of removal; their duties and compensation shall be prescribed by law.

SEC. 9. There shall be at least two terms of the supreme court of appeals held annually at such times and places as may be prescribed by law.

CIRCUIT COURTS.

SEC. 10. The state shall be divided into thirteen circuits.[17] For the circuit hereinafter called the first, two judges shall be elected, and for each of the other circuits one judge shall be elected by the voters thereof. Each of the judges so elected shall hold his office for the term of eight years unless sooner removed in the manner prescribed in this Constitution. The judges of the circuit courts in office when this article takes effect shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals. During his continuance in office the judge of a circuit court shall reside in the circuit of which he is judge. The business of the first circuit may be apportioned between the judges thereof, and such judges may hold courts in the same county or in different counties within the circuit at the same time or at different times as may be prescribed by law.

SEC. 11. A circuit court shall be held in every county in the State at least three times in each year, and provisions may be made by law for holding special terms of said court. A judge of any circuit may hold the courts in another circuit.

SEC. 12. The circuit court shall have the supervision and control of all proceedings before justices and other inferior tribunals, by mandamus, prohibition and certiorari. They shall, except in cases confined exclusively by this constitution to some other tribunal, have original and general jurisdiction of all matters at law where the amount in controversy, exclusive of interest, exceeds fifty dollars; of all cases of habeas corpus, mandamus, quo warranto and prohibition; and of all cases in equity, and of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error or supersedeas may be allowed to the judgment or proceedings of any inferior tribunal. They shall also have such other jurisdiction, whether supervisory, original, appellate or concurrent, as is or may be prescribed by law.

SEC. 13. Until otherwise provided by law, the State shall be divided into the following circuits: The counties of Brooke, Hancock, Ohio, and Marshall shall constitute the first circuit; the counties of Monongalia, Marion and Harrison, the second; the counties of Preston, Taylor, Barbour, Tucker and Randolph, the third; the counties of Wetzel, Tyler, Ritchie and Doddridge, the fourth; the counties of Wood, Wirt and Pleasants, the fifth; the counties of Clay, Gilmer, Jackson, Roane and Calhoun, the sixth; the counties of Putnam, Kanawha and Mason, the seventh; the counties of Cabell, Wayne, Lincoln and

[17] There are now 23 circuits; see Acts 1913, Chaps. 54, 56 and 57.

Logan, the eighth; the counties of McDowell, Mercer, Raleigh, Wyoming and Boone, the ninth; the counties of Greenbrier, Monroe, Summers, Fayette and Pocahontas, the tenth; the counties of Upshur, Lewis, Braxton, Nicholas and Webster, the eleventh; the counties of Grant, Hardy, Hampshire, Mineral and Pendleton, the twelfth; the counties of Jefferson, Berkeley and Morgan, the thirteenth.[17]

SEC. 14. The Legislature may re-arrange the circuits herein provided for at any session thereof, next preceding any general election of the judges of said circuits, and after the year one thousand eight hundred and eighty-eight, may, at any such session, increase or diminish the number thereof.

SEC. 15. The Legislature shall provide by law for holding regular and special terms of the circuit courts, where from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.

GENERAL PROVISIONS.

SEC. 16. All judges shall be commissioned by the Governor. The salary of a judge of the supreme court of appeals shall be two thousand two hundred dollars per annum, and that of a judge of the circuit court shall be one thousand eight hundred dollars per annum; and each shall receive the same mileage as members of the Legislature: Provided, that Ohio county may pay an additional sum per annum to the judges of the circuit court thereof; but such allowance shall not be increased or diminished during the term of office of the judges to whom it may have been made. No judge, during his term of office, shall practice the profession of law or hold any other office, appointment or public trust, under this or any other government, and the acceptance thereof shall vacate his judicial office. Nor shall he during his continuance therein, be eligible to any political office.[18]

SEC. 17. Judges may be removed from office by a concurrent vote of both houses of the Legislature, when from age, disease, mental or bodily infirmity or intemperance, they are incapable of discharging the duties of their office. But two-thirds of all the members elected to each House must concur in such vote, and the cause of removal shall be entered upon the journal of each house. The judge against whom the Legislature may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least twenty days before the day on which action is proposed to be taken therein.

SEC. 18. The voters of each county shall elect a clerk of the circuit court, whose term of office shall be six years; his duties and compensation and the manner of removing him from office shall be prescribed by law, and when a vacancy shall occur in the office, the circuit court or the judge thereof in vacation shall fill the same by appointment until the next general election. In case in respect to which the clerk shall be so situated as to make it improper for him to act, the said court shall appoint a clerk to act therein. The clerks of said courts in office when this article takes effect, shall remain therein for the term for which they were elected, unless sooner removed in the manner prescribed by law.

SEC. 19. The Legislature may establish courts of limited jurisdiction within any county, incorporated city, town or village, with the right of appeal to the circuit court, subject to such limitations as may be prescribed by law; and all courts of limited jurisdiction heretofore established in any county, incorporated city, town or village, shall remain as at present constituted until otherwise provided by law. The municipal court of Wheeling shall continue in existence until otherwise provided by law, and said court and the judge thereof, shall exercise the powers and jurisdiction heretofore conferred upon them; and appeals in civil cases from said court shall lie directly in the supreme court of appeals.

SEC. 20. No citizen of this State who aided or participated in the late

[18] Sec. [Article XV] ratified in Nov., 1902; the salaries of the judges of the supreme court of appeals and of the judges of the circuit courts are fixed by section 288, Hogg's Code of 1913.

war between the government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding, civil or criminal; nor shall his property be seized or sold under final process issued upon judgments or decrees heretofore rendered, or otherwise, because of any act done in accordance with the usage of civilized warfare in the prosecution of said war. The Legislature shall provide, by general laws, for giving full force and effect to this section.

SEC. 21. Such parts of the common law, and of the laws of this State as are in force when this article goes into operation, and are not repugnant thereto, shall be and continue the law of the state until altered or repealed by the Legislature. All civil and criminal suits and proceedings pending in the former circuits of the State, shall remain and be proceeded in before the circuit courts of the counties in which they were pending.

COUNTY COURTS.

SEC. 22. There shall be in each county of the State a county court, composed of three commissioners, and two of said commissioners shall be a quorum for the transaction of business. It shall hold four regular sessions in each year, and at such times as may be fixed upon and entered of record by the said court. Provisions may be made by law for holding special sessions of said court.

SEC. 23. The commissioners shall be elected by the voters of the county and hold their office for the term of six years, except at the first meeting of said commissioners they shall designate by lot, or otherwise, in such manner as they may determine, one of their number, who shall hold his office for the term of two years, one for four years and one for six years, so that one shall be elected every two years. But no two of said commissioners shall be elected from the same magisterial district. And if two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected and the person living in another district who shall receive the next highest number of votes shall be declared elected. Said commissioners shall annually elect one of their number as president, and each shall receive two dollars per day for his services, in court, to be paid out of the county treasury.

SEC. 24. The county courts, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of, as now is or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts, and in all matters relating to apprentices. They shall also, under such regulations as may be prescribed by law, have the superintendence and administration of the internal and police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies; Provided, That no license for the sale of intoxicating liquors in any incorporated city, town or village, shall be granted without the consent of the municipal authorities thereof, first had and obtained. They shall, in all cases of contest, judge of the election, qualifications and returns of their own members, and of all county and district officers, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law. And provision may be made, under such regulations as may be prescribed by law, for the probate of wills and for the appointment and qualification of personal representatives, guardians, committees and curators during the recess of the regular sessions of the county court. Such tribunals as have been heretofore established by the Legislature under and by virtue of the thirty-fourth section of the eighth article of the Constitution of one thousand eight hundred and seventy-two for police and fiscal purposes, shall, until otherwise provided by law, remain and continue as at present constituted in the counties in which they have been respectively established, and shall be and act as to police and fiscal matters in

lien of the county courts created by this article until otherwise provided by law. And, until otherwise provided by law, such clerk as is mentioned in the twenty-sixth section of this article, shall exercise any powers and discharge any duties heretofore conferred on, or required of, any court or tribunal established for judicial purposes under the said article and section of the constitution of one thousand eight hundred and seventy-two, or the clerk of such court or tribunal respectively, respecting the recording and preservation of deeds and other papers presented for record, matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts, and in all matters relating to apprentices.

SEC. 25. All actions, suits and proceedings not embraced in the next preceding section, pending in a county court when this article takes effect, together with the records and papers pertaining thereto, as well as all records and papers pertaining to such actions, suits and proceedings, as have already been disposed of by said courts, shall be transmitted to and filed with the clerk of the circuit court of the county to which office all process outstanding at the time this article goes into operation shall be returned; and said clerk shall have the same power and shall perform the same duties in relation to such records, papers and proceedings as were vested in and required of the county court on the day before this article shall take effect. All such actions, suits and proceedings so pending as aforesaid, shall be docketed, proceeded in, tried, heard and determined in all respects by the circuit court, as if such suits and proceedings had originated in said court.

SEC. 26. The voters of each county shall elect a clerk of the county court, whose term of office shall be six years. His duties and compensation and the manner of his removal shall be prescribed by law. But the clerks of said courts, now in office, shall remain therein for the term for which they have been elected, unless sooner removed therefrom, in the manner prescribed by law.

SEC. 27. Each county shall be laid off into districts, not less than three nor more than ten in number, and as nearly equal as may be in territory and population. There shall be elected in each district containing a population not exceeding twelve hundred, one justice of the peace, and if the population exceeds that number, two justices shall be elected therein. Every justice shall reside in the district for which he was elected and hold his office for the term of four years, unless sooner removed in the manner prescribed by law. The districts as they now exist shall remain till changed by the county court.

SEC. 28. The civil jurisdiction of a justice of the peace shall extend to actions of assumpsit, debt, detinue and trover, if the amount claimed, exclusive of interest, does not exceed three hundred dollars. The jurisdiction of justices of the peace shall extend throughout their county; they shall be conservators of the peace and have such jurisdiction and powers in criminal cases as may be prescribed by law. And justices of the peace shall have authority to take the acknowledgment of deeds and other writings, administer oaths, and take and certify depositions. And the Legislature may give to justices such additional civil jurisdiction and powers within their respective counties as may be deemed expedient, under such regulations and restrictions as may be prescribed by general law, except that in suits to recover money or damages their jurisdiction and powers shall in no case exceed three hundred dollars. Appeals shall be allowed from judgments of justices of the peace in such manner as may be prescribed by law.

SEC. 29. The Legislature shall, upon the application of any county, reform, alter or modify the county court established by this article in such county, and in lieu thereof, with the assent of a majority of the voters of such county voting at an election, create another tribunal for the transaction of the business required to be performed by the county court created by this article; and in such case all the provisions of this article in relation to the county court shall be applicable to the tribunal established in lieu of said court. And when such tribunal has been established it shall continue to act in lieu of the county court until otherwise provided by law.

SEC. 30. The office of commissioner and justice of the peace shall be

deemed incompatible. Vacancies in the office of commissioner, clerk of the county court and justices of the peace shall be filled by the county court of the county until the next general election.

ARTICLE IX.

COUNTY ORGANIZATION.

SECTION 1. The voters of each county shall elect a surveyor of lands, a prosecuting attorney, a sheriff, and one and not more than two assessors, who shall hold their respective offices for the term of four years.

SEC. 2. There shall also be elected in each district of the county, by the voters thereof, one constable, and if the population of any district shall exceed twelve hundred, an additional constable, whose term of office shall be four years, and whose powers as such shall extend throughout their county. The assessor shall, with the advice and consent of the county court have the power to appoint one or more assistants. Coroners, overseers of the poor and surveyors of roads shall be appointed by the county court. The foregoing officers, except the prosecuting attorney, shall reside in the county and district for which they shall be respectively elected.

SEC. 3. The same person shall not be elected sheriff for two consecutive full terms; nor shall any person who acted as his deputy be elected successor to such sheriff, nor shall any sheriff act as deputy of his successor; nor shall he during his term of service, or within one year thereafter, be eligible to any other office. The retiring sheriff shall finish all business remaining in his hands, at the expiration of his term; for which purpose his commission and official bond shall remain in force. The duties of the office of sheriff shall be performed by him in person, or under his superintendence.

SEC. 4. The presidents of the county courts, the justices of the peace, sheriffs, prosecuting attorneys, clerks of the circuit and of the county courts, and all other county officers, shall be subject to indictment for malfeasance, misfeasance, or neglect of official duty, and upon conviction thereof their offices shall become vacant.

SEC. 5. The Legislature shall provide for commissioning such of the officers herein mentioned, as it may deem proper, not provided for in this Constitution, and may require any class of them to give bond with security for the faithful discharge of the duties of their respective offices.

SEC. 6. It shall further provide for the compensation, the duties and responsibilities of such officers, and may provide for the appointment of their deputies and assistants by general law.

SEC. 7. The president of the county court and every justice and constable shall be a conservator of the peace throughout his county.

SEC. 8. No new county shall hereafter be formed in this State with an area of less than four hundred square miles; nor with a population of less than six thousand; nor shall any county, from which a new county, or part thereof, shall be taken, be reduced in area below four hundred square miles, nor in population below six thousand. Nor shall a new county be formed without the consent of a majority of the voters residing within the boundaries of the proposed new county, and voting on the question.

ARTICLE X.

TAXATION AND FINANCE.

SECTION 1. Taxation shall be equal and uniform throughout the State, and all property, both real and personal, shall be taxed in proportion to its value, to be ascertained as directed by law. No one species of property, from which a tax may be collected, shall be taxed higher than any other species of property of equal value; but property used for educational, literary, scientific, religious or charitable purposes; all cemeteries and public property may, by law, be exempted from taxation. The Legislature shall have power to tax, by uniform and equal laws, all privileges and franchises of persons and corporations

SEC. 2. The Legislature shall levy an annual capitation tax of one dollar upon each male inhabitant of the State who has attained the age of twenty-one years, which shall be annually appropriated to the support of free schools. Persons afflicted with bodily infirmity may be exempted from this tax.

SEC. 3. No money shall be drawn from the treasury but in pursuance of an appropriation made by law, and on a warrant issued thereon by the Auditor; nor shall any money or fund be taken for any other purpose than that for which it has been or may be appropriated, or provided. A complete and detailed statement of the receipts and expenditures of the public moneys, shall be published annually.

SEC. 4. No debt shall be contracted by this State, except to meet casual deficits in the revenue, to redeem a previous liability of the State, to suppress insurrection, repel invasion or defend the State in time of war; but the payment of any liability other than that for the ordinary expenses of the State, shall be equally distributed over a period of at least twenty years.

SEC. 5. The power of taxation of the Legislature shall extend to provisions for the payment of the State debt, and interest thereon, the support of free schools, and the payment of the annual estimated expenses of the State; but whenever any deficiency in the revenue shall exist in any year, it shall, at the regular session thereof held next after the deficiency occurs levy a tax for the ensuing year, sufficient with other sources of income to meet such deficiency, as well as the estimated expenses of such year.

SEC. 6. The credit of the State shall not be granted to, or in aid of any county, city, township, corporation or person; nor shall the State ever assume, or become responsible for the debts or liabilities of any county, city, township, corporation or person; nor shall the State ever hereafter become a joint owner, or stockholder in any company or association in this State or elsewhere, formed for any purpose whatever.

SEC. 7. County authorities shall never assess taxes, in any one year, the aggregate of which shall exceed ninety-five cents per one hundred dollars valuation; except for the support of free schools; payment of indebtedness existing at the time of the adoption of this Constitution, and for the payment of any indebtedness with the interest thereon, created under the succeeding section, unless such assessment, with all questions involving the increase of such aggregate shall have been submitted to the vote of the people of the county, and have received three-fifths of all the votes cast for and against it.

SEC. 8. No county, city, school district, or municipal corporation, except in cases where such corporations have already authorized their bonds to be issued, shall hereafter be allowed to become indebted, in any manner, or for any purpose, to an amount, including existing indebtedness, in the aggregate, exceeding five per centum on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness; nor without, at the same time, providing for the collection of a direct annual tax, sufficient to pay, annually, the interest on such debt, and the principal thereof, within, and not exceeding thirty-four years; Provided, That no debt shall be contracted under this section, unless all questions connected with the same shall have been first submitted to a vote of the people, and have received three-fifths of all the votes cast for and against the same.

SEC. 9. The Legislature may, by law, authorize the corporate authorities of cities, towns and villages, for corporate purposes, to assess and collect taxes; but such taxes shall be uniform, with respect to persons and property within the jurisdiction of the authority imposing the same.

ARTICLE XI.

CORPORATIONS.

SECTION 1. The Legislature shall provide for the organization of all corporations hereafter to be created, by general laws, uniform as to the class to which they relate, but no corporation shall be created by special law; Pro

vided. That nothing in this section contained, shall prevent the Legislature from providing by special laws for the connection, by canal, of the waters of the Chesapeake with the Ohio river by the line of the James river, Greenbrier, New river and Great Kanawha.

SEC. 2. The stockholders of all corporations and joint stock companies, except banks and banking institutions, created by laws of this State, shall be liable for the indebtedness of such corporations to the amount of their stock subscribed and unpaid, and no more.

SEC. 3. All existing charters or grants of special or exclusive privileges under which organization shall not have taken place, or which shall not have been in operation within two years from the time this Constitution takes effect, shall thereafter have no validity or effect whatever; Provided, That nothing herein shall prevent the execution of any bona fide contract heretofore lawfully made in relation to any existing charter or grant in this State.

SEC. 4. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute them on the same principle among as many candidates as he shall think fit, and such directors or managers shall not be elected in any other manner.

SEC. 5. No law shall be passed by the Legislature, granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway, proposed to be occupied by such street railroad.

BANKS.

SEC. 6. The Legislature may provide, by general banking law, for the creation and organization of banks of issue or circulation, but the stockholders of any bank hereafter authorized by the laws of this State, whether of issue, deposit or discount, shall be personally liable to the creditors thereof, over and above the amount of stock held by them respectively to an amount equal to their respective shares so held, for all its liabilities accruing while they are such stockholders.

RAILROADS.

SEC. 7. Every railroad corporation organized or doing business in this State shall annually by their proper officers, make a report under oath, to the auditor of public accounts of this State, or some officer to be designated by law, setting forth the condition of their affairs, the operations of the year and such other matters relating to their respective railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

SEC. 8. The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property and shall be liable to execution and sale in the same manner as the personal property of individuals; and the Legislature shall pass no law exempting any such property from execution and sale.

SEC. 9. Railroads heretofore constructed, or that may hereafter be constructed in this State, are hereby declared public highways and shall be free to all persons for the transportation of their persons and property thereon, under such regulations as shall be prescribed by law; and the Legislature shall, from time to time, pass laws, applicable to all railroad corporations in the State establishing reasonable maximum rates of charges for the transportation of passengers and freight, and providing for the correction of abuses, the prevention of unjust discriminations between through and local or way freight and passenger tariffs, and for the protection of the just rights of the public, and shall enforce such laws by adequate penalties.

SEC. 10. The Legislature shall, in the law regulating railway companies

require railroads running through, or within a half mile of a town or village containing three hundred or more inhabitants, to establish stations for the accommodation of trade and travel of said town or village.

SEC. 11. No railroad corporation shall consolidate its stock, property or franchise with any other railroad owning a parallel or competing line, or obtain the possession or control of such parallel or competing line by lease or other contract, without the permission of the Legislature.

SEC. 12. The exercise of the power and the right of eminent domain shall never be so construed or abridged as to prevent the taking, by the Legislature, of the property and franchises of incorporated companies already organized, and subjecting them to the public use, the same as of individuals.

ARTICLE XII.

EDUCATION.

SECTION 1. The Legislature shall provide, by general law, for a thorough and efficient system of free schools.

SEC. 2. The State Superintendent of Free Schools shall have a general supervision of free schools, and perform such other duties in relation thereto as may be prescribed by law. If in the performance of any such duty imposed upon him by the Legislature he shall incur any expenses, he shall be reimbursed therefor: Provided, the amount does not exceed five hundred dollars in any one year.

SEC. 3. The Legislature may provide for county superintendents and such other officers as may be necessary to carry out the objects of this article and define their duties, powers and compensation.

SEC. 4. The existing permanent and invested school fund, and all money accruing to this State from forfeited, delinquent, waste and unappropriated lands; and from lands heretofore sold for taxes and purchased by the State of Virginia, if hereafter redeemed or sold to others than this State; all grants, devises or bequests that may be made to this State, for the purposes of education or where the purposes of such grants, devises or bequests are not specified; this State's just share of the literary fund of Virginia, whether paid over or otherwise liquidated; and any sums of money, stocks or property which this State shall have the right to claim from the State of Virginia for educational purposes; the proceeds of the estates of persons who may die without leaving a will or heir, and of all escheated lands; the proceeds of any taxes that may be levied on the revenues of any corporations; or moneys that may be paid as an equivalent for exemption from military duty; and such sums as may from time to time be appropriated by the Legislature for the purpose, shall be set apart as a separate fund to be called the "School Fund," and invested under such regulations as may be prescribed by law, in the interest bearing securities of the United States, or of this State, or if such interest bearing securities cannot be obtained, then said "School Fund" shall be invested in such other solvent, interest bearing securities as shall be approved by the Governor, Superintendent of Free Schools, Auditor and Treasurer, who are hereby constituted the "Board of the School Fund," to manage the same under such regulations as may be prescribed by law; and the interest thereof shall be annually applied to the support of free schools throughout the State, and to no other purpose whatever. But any portion of said interest remaining unexpended at the close of a fiscal year shall be added to and remain a part of the capital of the "School Fund," Provided, That all taxes which shall be received by the State upon delinquent lands, except the taxes due to the State thereon, shall be refunded to the county or district by or for which the same were levied.[1]

SEC. 5. The Legislature shall provide for the support of free schools by appropriating thereto the interest of the invested "School Fund," the net proceeds of all forfeitures and fines accruing to this State under the laws thereof;

[1] This section is modified by the Irreducible School Fund Amendment [Article XVII, as set forth at the end of the constitution.

the State capitation tax, and by general taxation of persons and property or otherwise. It shall also provide for raising in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of free schools therein, as shall be prescribed by general laws.

SEC. 6. The school districts into which any county is now divided shall continue until changed in pursuance of law.

SEC. 7. All levies that may be laid by any county or district for the purpose of free schools shall be reported to the clerk of the county court; and shall, under such regulations as may be prescribed by law, be collected by the sheriff or other collector, who shall make annual settlement with the county court; which settlement shall be made a matter of record by the clerk thereof, in a book to be kept for that purpose.

SEC. 8. White and colored persons shall not be taught in the same school.

SEC. 9. No person connected with the free school system of the State, or with any educational institution of any name or grade under State control, shall be interested in the sale, proceeds or profits of any book or other thing used, or to be used therein, under such penalties as may be prescribed by law; Provided, That nothing herein shall be construed to apply to any work written, or thing invented, by such person.

SEC. 10. No independent free school district, or organization shall hereafter be created, except with the consent of the school district or districts out of which the same is to be created, expressed by a majority of the voters voting on the question.

SEC. 11. No appropriation shall hereafter be made to any State normal school, or branch thereof, except to those already established and in operation, or now chartered.

SEC. 12. The Legislature shall foster and encourage moral, intellectual, scientific and agricultural improvement; it shall, whenever it may be practicable, make suitable provision for the blind, mute and insane, and for the organization of such institutions of learning as the best interests of general education in the State may demand.

ARTICLE XIII.

LAND TITLES.

SECTION 1. All private rights and interests in lands in this State derived from or under the laws of the State of Virginia, and from or under the constitution and laws of this State prior to the time this constitution goes into operation, shall remain valid and secure and shall be determined by the laws in force in Virginia, prior to the formation of this State, and by the constitution and laws in force in this State prior to the time this constitution goes into effect.

SEC. 2. No entry by warrant on land in this State shall hereafter be made.

SEC. 3. All title to lands in this State heretofore forfeited, or treated as forfeited, waste and unappropriated, or escheated to the State of Virginia or this State, or purchased by either of said States at sales made for the non payment of taxes and become irredeemable, or hereafter forfeited, or treated as forfeited, or escheated to this State, or purchased by it and become irredeemable, not redeemed, released or otherwise disposed of, vested and remaining in this State, shall be, and is hereby transferred to, and vested in any person (other than those for whose default the same may have been forfeited or returned delinquent, their heirs or devisees), for so much thereof as such person has, or shall have had actual continuous possession of, under color or claim of title for ten years and who, or those under whom he claims, shall have paid the State taxes thereon for any five years during such possession; or if there be no such person, then to any person (other than those for whose default the same may have been forfeited, or returned delinquent, their heirs or devisees), for so much of said land as such person shall have title or claim to, regularly derived, mediately or immediately from, or under a grant from the Commonwealth of Virginia or this State, not forfeited, which but for the title forfeited would be valid, and who, or those under whom he claims

has, or shall have paid all State taxes charged or chargeable thereon for five successive years, after the year 1865, or from the date of the grant, if it shall have issued since that year; or if there be no such person, as aforesaid, then to any person (other than those for whose default the same may have been forfeited, or returned delinquent, their heirs and devisees,) for so much of said land as such person shall have had claim to and actual continuous possession of, under color of title for any five successive years after the year 1865, and have paid all State taxes charged or chargeable thereon for said period.

SEC. 4. All lands in this State, waste and unappropriated, or heretofore or hereafter for any cause forfeited, or treated as forfeited, or escheated to the State of Virginia, or this State, or purchased by either and become irredeemable, not redeemed, released, transferred or otherwise disposed of, the title whereto shall remain in this State till such sale as is hereinafter mentioned be made, shall by proceedings in the circuit court of the county in which the lands, or a part thereof, are situated, be sold to the highest bidder.

SEC. 5. The former owner of any such land shall be entitled to receive the excess of the sum for which the land may be sold over the taxes charged and chargeable thereon, or which, if the land had not been forfeited, would have been charged or chargeable thereon, since the formation of this State, with interest at the rate of twelve per centum per annum, and the costs of the proceedings, if his claim be filed in the circuit court that decrees the sale, within two years thereafter.

SEC. 6. It shall be the duty of every owner of land to have it entered on the land books of the county in which it, or part of it, is situated, and to cause himself to be charged with the taxes thereon, and pay the same. When for any five successive years after the year 1869, the owner of any tract of land containing one thousand acres or more, shall not have been charged on such books with State tax on said land, then by operation hereof, the land shall be forfeited and the title thereto vest in the State. But if, for any one or more of such five years, the owner shall have been charged with State tax on any part of the land, such part thereof shall not be forfeited for such cause. And any owner of land so forfeited, or of any interest therein at the time of the forfeiture thereof, who shall then be an infant, married woman, or insane person, may, until the expiration of three years after the removal of such disability, have the land, or such interest charged on such books, with all State and other taxes that shall be, and but for the forfeiture would be, chargeable on the land, or interest therein for the year 1863, and every year thereafter with interest at the rate of ten per centum per annum; and pay all taxes and interest thereon for all such years and thereby redeem the land or interest therein. Provided, Such right to redeem shall in no case extend beyond twenty years from the time such land was forfeited.

ARTICLE XIV.

AMENDMENTS.

SECTION 1. No convention shall be called, having the authority to alter the Constitution of the State, unless it be in pursuance of a law, passed by the affirmative vote of a majority of the members elected to each House of the Legislature and providing that polls shall be open throughout the State, on the same day therein specified, which shall not be less than three months after the passage of such law, for the purpose of taking the sense of the voters on the question of calling a convention. And such convention shall not be held unless a majority of the votes cast at such polls be in favor of calling the same; nor shall the members be elected to such convention until, at least, one month after the result of the vote shall be duly ascertained, declared and published. And all acts and ordinances of the said convention shall be submitted to the voters of the State for ratification or rejection, and shall have no validity whatever until they are ratified.

SEC. 2. Any amendment to the Constitution of the State may be proposed in either House of the Legislature; and if the same, being read on three several days in each House, be agreed to on its third reading, by two-

thirds of the members elected thereto, the proposed amendment, with the yeas and nays thereon, shall be entered on the journal, and it shall be the duty of the Legislature to provide by law, for submitting the same to the voters of the State for ratification or rejection at the next general election thereafter, and cause the same to be published at least three months before such election in some newspaper in every county in which a newspaper is printed. And if a majority of the qualified voters, voting on the question at the polls held pursuant to such law, ratify the proposed amendment, it shall be in force from the time of such ratification, as part of the Constitution of the State. If two or more amendments be submitted at the same time, the vote on the ratification or rejection shall be taken on each separately.

[ARTICLE XV.]

THE JUDICIAL AMENDMENT.

[SECTION 1.] The Supreme Court of Appeals shall consist of five judges. Those judges in office when this amendment takes effect shall continue in office until their terms shall expire, and the Legislature shall provide for the election of an additional judge of said court at the next general election, whose term shall begin on the first day of January, one thousand nine hundred and five, and the Governor shall, as for a vacancy, appoint a judge of said court to hold office until the first day of January, one thousand nine hundred and five. The judges of the supreme court of appeals and of the circuit courts shall receive such salaries as shall be fixed by law, for those now in or those hereafter to come into office.[20]

[ARTICLE XVI.]

THE IRREDUCIBLE SCHOOL FUND AMENDMENT.

[SECTION 1.] The accumulation of the school fund provided for in section four of article twelve, of the Constitution of this State, shall cease upon the adoption of this amendment, and all money to the credit of said fund over one million of dollars, together with the interest on said fund, shall be used for the support of the free schools of this State. All money and taxes heretofore payable into the treasury under the provision of said section four, to the credit of the school fund, shall be hereafter paid into the treasury to the credit of the general school fund for the support of the free schools of the state.[21]

SCHEDULE.

SECTION 1. It shall be the duty of the president of this convention, immediately after its adjournment, to certify to the governor of the State of West Virginia an accurate transcript of the constitution and schedule adopted by the convention.

SEC. 2. Upon the receipt of such certified transcript, the governor shall make proclamation of that fact, and shall annex to his proclamation a copy of this constitution and schedule, all of which shall be published, for the general information of the people, in such manner as he shall deem most expedient.

SEC. 3. The officers authorized by existing laws to conduct general elections shall cause elections to be held at the several places of voting, established by law in each county, on the fourth Thursday of August, 1872, at which election the votes of all persons qualified to vote under the existing constitution, and offering to vote, shall be taken upon the question of ratifying or rejecting this constitution and schedule. Such votes shall be by ballot. The person voting

[20] [Article XV] is a new article; it was proposed by the legislature of 1901, and ratified on Nov. 4, 1902. No article or section number was assigned to this amendment by the joint resolution by which it was proposed and it has been designated as [Section 1] of [Article XV].

[21] [Article XVI] is a new article; it was proposed by the legislature of 1901 and ratified on Nov. 4, 1902. No article or section number was assigned to this amendment by the joint resolution by which it was proposed and it has been designated as [Section 1] of [Article XVI].

for the ratification of the constitution and schedule shall have written or printed upon his ballot the words "For ratification;" and the person voting against ratification shall have written or printed upon his ballot the words "For rejection."

SEC. 4. The said election shall be conducted in all things according to the provisions of the Code of West Virginia, and the amendments thereto, governing elections, except as herein otherwise provided.

SEC. 5. The supervisors of each county shall assemble on the fifth day (Sunday excepted) after the said election, and proceed to ascertain the result of the same in the manner prescribed by the sixty-second section of the third chapter of the Code of West Virginia; and it shall be their duty to certify the result, without delay, to the governor, stating in their certificates the number of votes given in their respective counties for ratification of the constitution and schedule, and the number given for rejection.

SEC. 6. It shall be the duty of the governor, upon receiving the said certificates, or a sufficient number thereof to enable him to ascertain the general result, to declare by proclamation the aggregate vote in the State for and against the ratification of the constitution and schedule; and if it shall appear from the said proclamation that a majority of votes cast are in favor of their ratification, this constitution and schedule shall be operative and in full force from and including the fourth Thursday of August, 1872.

SEC. 7. On the same day, and under the superintendence of the officers who shall conduct the election for determining the ratification or rejection of the constitution and schedule, elections shall be held, at the several places of voting in each county, for senators and members of the house of delegates, and all officers, executive, judicial, county, or district, required by this constitution to be elected by the people. Such elections shall be by ballot, and the results thereof shall be ascertained, determined, and certified according to the provisions and requirements of existing laws; except that the returns of the elections of governor, State superintendent of free schools, auditor, treasurer, and attorney-general shall be transmitted to the secretary of state, sealed and addressed to the "Speaker of the House of Delegates."

SEC. 8. In elections of county officers, required to be elected by districts, the existing subdivisions, by townships in each county, shall constitute such districts until others shall be established.

SEC. 9. Each county shall elect one assessor for each assessment district as now established by law; but at the election to be held under the provisions of this schedule, in counties entitled to two assessors, both shall be elected by the voters of the entire county.

SEC. 10. At the election to be held under this schedule there shall also be elected in each district, constituted as hereinbefore stated, as many justices and constables as are now authorized by law.

SEC. 11. If this constitution shall be ratified by the people, the legislature elected under this schedule shall assemble at the seat of government, on the third Tuesday in November, 1872; and the election of members of the legislature under this constitution, shall vacate the seats of those elected under the present constitution. The term of service of the delegates first elected to the legislature under this constitution shall expire on the first day of November, 1874; and the term of service of the senators shall expire as follows: The term of the first class on the first day of November, 1874, and the term of the second class on the first day of November, 1876.

SEC. 12. The terms of office of the governor, the State superintendent of free schools, the auditor, treasurer, and attorney-general, elected under this schedule, shall commence on the fourth day of March, 1873. The governor, the State superintendent of free schools, the auditor, treasurer, attorney-general, and secretary of state, and their successors, elected under the existing constitution and laws, shall continue in office until their successors, elected or appointed under this constitution and schedule, shall be qualified. The terms of office of the judges of the supreme court of appeals, of the judges of the circuit courts, and of all county and district officers whose election is provided for by this schedule shall commence on the 1st day of January, 1873; and the present judges of the

supreme court of appeals, and of the circuit courts, and their successors who may be appointed under the present constitution and laws, shall remain in office until the date last aforesaid. The recorders and supervisors of the several counties shall continue in office and exercise their functions under the existing constitution and laws until the first day of January, 1873. And all officers named in this section, elected under the provisions of the existing constitution and laws, shall, until their terms expire, as herein provided, receive such compensation as said constitution and laws prescribe.

SEC. 13. The municipal court of Wheeling shall continue in existence, and exercise its present jurisdiction, until otherwise provided by law.

SEC. 14. All the books, records, papers, seals, and other property now in the custody and under the control of the boards of supervisors and recorders of the several counties, and records, books, papers, seals, and other property of the former county courts, now in the custody of the clerks of the circuit courts shall be transferred on the first day of January, 1873, or as soon thereafter as may be, to the clerks of the county courts in their respective counties, and remain in their custody until otherwise prescribed by law.

SEC. 15. Justices, assessors, and all other county officers, except sheriffs and constables, shall, on the first day of January, 1873, or as soon thereafter as may be, transfer to their successors in office all official books, records, papers, and property in their possession; and in cases where, from the abolition of an office, or from any other cause, a doubt shall arise as to the officer entitled to receive them, they shall be delivered to the clerk of the county court for preservation, until disposition be made of them by that court.

SEC. 16. All county, township, district, and other officers connected with the existing system of free schools shall continue to perform the duties of their respective offices, as now prescribed by law, until their successors shall have been elected and qualified as the legislature may provide.

SEC. 17. The records, books, papers, seals, and other property and appurtenances of the existing supreme court of appeals shall, on the first day of January, 1873, or as soon thereafter as may be, be transferred to, and remain in the care and custody of the supreme court of appeals established by this constitution, until otherwise provided by law; and all civil or criminal causes, petitions, and other proceedings then pending in the supreme court of appeals shall be proceeded with in the supreme court of appeals established by this constitution to final judgment. The records, books, papers, seals, and other property and appurtenances of the existing circuit courts in this State shall then also be transferred to, and remain in, the care and custody of the circuit courts established by this constitution, until otherwise provided by law; to which courts all process outstanding, at the time this constitution shall go into effect, shall be returned, and by which all new process, proper in cases either pending or determined in existing circuit courts, may be issued. And all indictments, prosecutions, suits, pleas, petitions, and other proceedings pending in the present circuit court of any county shall be prosecuted in the circuit court established in the county by this constitution to final judgment and execution; except that all pending appeals from justices may be transferred to the county court organized in such county.

SEC. 18. Copies and transcripts of the records and proceedings of the present circuit courts shall be made and certified by the circuit courts established by this constitution, or the proper officers thereof, and shall have the same force and effect as if they had been heretofore properly made and certified by the existing courts, or their proper officers.

SEC. 19. Recognizances, bonds, obligations, and all undertakings entered into or executed before the adoption of this constitution, to the commonwealth of Virginia, the State of West Virginia, or to any public officer, corporation, township, or county, shall remain binding and valid; and all rights and liabilities growing out of them shall be unimpaired.

SEC. 20. The executive department of the government shall remain as at present organized, and the governor shall continue in office until a governor elected under this constitution shall be qualified; and all other persons in office

when this constitution is adopted, except as herein otherwise expressly directed, shall continue in office until their successors are qualified; and vacancies in office, happening before such qualification, shall be filled in the manner now prescribed by law.

SEC. 21. All the courts of justice now existing shall continue with their present jurisdiction, and be held as now prescribed by law, until the judicial system established by this constitution shall go into effect, and all rights, prosecutions, actions, claims, and contracts shall remain and continue as if this constitution had not been adopted, except so far as the same may be affected by the terms and provisions of this constitution, when it shall go into effect.

SEC. 22. The legislature shall pass all laws necessary to carry this constitution into full operation and effect.

SEC. 23. At the time of the submission of this constitution to a vote of the people, there shall be submitted, as a separate proposition, the following:

"Any white citizen entitled to vote, and no other, may be elected or appointed to any office; but the governor and judges must have attained the age of thirty, and the attorney-general and senators the age of twenty-five years, at the beginning of their respective terms of service; and must have been citizens of the State for five years next preceding their election, or appointment, or citizens at the time this constitution goes into operation."

And the mode of voting on the said proposition shall be by ballot, on which shall be written or printed the word "White"; and if a majority of all the votes cast for ratification or rejection of the constitution be in favor of the said proposition, it shall take the place of section fourth of article fourth of this constitution. The result of the said election shall be certified and ascertained in the same manner, and by the same officers, as hereinbefore provided in regard to the election for the ratification or rejection of this constitution. And if the result be in favor of the said proposition, the governor shall make proclamation of the effect thereof, as hereinbefore provided.

SAM'L PRICE, *President.*

CONSTITUTION OF WISCONSIN—1848.*

PREAMBLE.

We, the people of Wisconsin, grateful to Almighty God for our freedom; in order to secure its blessings, form a more perfect government, insure domestic tranquility and promote the general welfare; do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are born equally free and independent, and have certain inherent rights; among these are life, liberty, and the pursuit of happiness; to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

SEC. 2. There should be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crime, whereof the party shall have been duly convicted.

SEC. 3. Every person may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no laws shall be passed to restrain or abridge the liberty of speech, or of the press. In all criminal prosecutions, or indictments for libel, the truth may be given in evidence, and if it shall appear to the jury, that the matter charged as libelous be true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 4. The right of the people peaceably to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.

SEC. 5. The right of trial by jury shall remain inviolate, and shall extend to all cases at law, without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

SEC. 6. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments be inflicted.

SEC. 7. In all criminal prosecutions, the accused shall enjoy the right to be heard by himself and counsel; to demand the nature and cause of the accusation against him; to meet the witnesses face to face; to have compulsory process to compel the attendance of witnesses in his behalf; and, in prosecutions by indictment, or information, to a speedy public trial by an impartial jury of the county or district wherein the offense shall have been committed; which county or district shall have been previously ascertained by law.

SEC. 8. No person shall be held to answer for a criminal offense without due process of law, and no person, for the same offense, shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it.[1]

SEC. 9. Every person is entitled to a certain remedy in the laws, for all

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* The convention which framed the constitution of Wisconsin assembled at Madison on Dec. 15, 1847, and adjourned on Feb. 1, 1848. The constitution was submitted to the electors on March 13, 1848, and was ratified by a vote of 16,799 to 6,384. The constitution was submitted as a whole and no proposition was submitted separately. The state was admitted to the Union by an act approved on May 29, 1848.

[1] Amendment proposed and adopted by the legislature of 1869, readopted by the legislature of 1870, and ratified on Nov. 8, 1870.

injuries, or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SEC. 10. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated; and no warrants shall issue but upon probable cause, supported by oath, or affirmation and particularly describing the place to be searched, and the persons or things to be seized.

SEC. 12. No bill of attainder, ex-post facto law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

SEC. 13. The property of no person shall be taken for public use, without just compensation therefor.

SEC. 14. All lands within the State are declared to be allodial, and feudal tenures are prohibited.—Leases and grants of agricultural land, for a longer term than fifteen years, in which rent, or service of any kind shall be reserved, and all fines and like restraints upon alienation, reserved in any grant of land, hereafter made, are declared to be void.

SEC. 15. No distinction shall ever be made by law between resident aliens and citizens, in reference to the possession, enjoyment, or descent of property.

SEC. 16. No person shall be imprisoned for debt, arising out of, or founded on a contract, expressed or implied.

SEC. 17. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure, or sale for the payment of any debt, or liability hereafter contracted.

SEC. 18. The right of every man to worship Almighty God, according to the dictates of his own conscience, shall never be infringed; nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments, or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious, or theological seminaries.

SEC. 19. No religious test shall ever be required as a qualification for any office of public trust under the State, and no person shall be rendered incompetent to give evidence in any court of law, or equity, in consequence of his opinions on the subject of religion.

SEC. 20. The military shall be in strict subordination to the civil power.

SEC. 21. Writs of error shall never be prohibited by law.

SEC. 22. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

ARTICLE II.

BOUNDARIES.

SECTION 1. It is hereby ordained and declared, that the State of Wisconsin doth consent and accept of the boundaries prescribed in the act of Congress entitled "An act to enable the people of Wisconsin Territory to form a Constitution and State government, and for the admission of such State into the Union," approved August sixth, one thousand eight hundred and forty-six, to-wit: Beginning at the north-east corner of the State of Illinois—that is to say; at a point in the centre of Lake Michigan, where the line of forty-two degrees and thirty minutes of north latitude crosses the same; thence running with the boundary line of the State of Michigan, through Lake

Michigan, Green Bay, to the mouth of the Menominee river; thence up the channel of the said river to the Brule river; thence up said last mentioned river to Lake Brule; thence along the southern shore of Lake Brule in a direct line to the centre of the channel between Middle and South Islands, in the Lake of the Desert; thence in a direct line to the head waters of the Montreal river, as marked upon the survey made by Captain Cramm; thence down the main channel of the Montreal river to the middle of Lake Superior; thence through the center of Lake Superior to the mouth of the St. Louis river; thence up the main channel of said river to the first rapids in the same, above the Indian village, according to Nichollet's map; thence due south to the main branch of the river St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the north-west corner of the State of Illinois; thence due east with the northern boundary of the State of Illinois to the place of beginning, as established by "an act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved April 18th, 1818. [Provided, however, that the following alteration of the aforesaid boundary be, and hereby is proposed to the Congress of the United States as the preference of the State of Wisconsin, and if the same shall be assented and agreed to by the Congress of the United States, then the same shall be and forever remain obligatory on the State of Wisconsin, viz.: Leaving the aforesaid boundary line at the foot of the rapids of the St. Louis river; thence in a direct line, bearing South-westerly, to the mouth of the Iskodewabo, or Rum river, where the same empties into the Mississippi river, thence down the main channel of the said Mississippi river as prescribed in the aforesaid boundary.][2]

SEC. 2. The propositions contained in the act of Congress are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona-fide purchasers thereof; and no tax shall be imposed on land, the property of the United States, and in no case shall non-resident proprietors be taxed higher than residents. Provided, that nothing in this Constitution, or in the Act of Congress aforesaid, shall in any manner prejudice, or affect the right of the State of Wisconsin to five hundred thousand acres of land, granted to said state, and to be hereafter selected and located by and under the Act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands, and grant pre-emption rights," approved September four, one thousand eight hundred and forty-one.

ARTICLE III.

SUFFRAGE.

SECTION 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes who shall have resided within the State for one year next preceding any election, and in the election district where he offers to vote, such time as may be prescribed by the Legislature, not exceeding thirty days, shall be deemed a qualified elector at such election.

1. Citizens of the United States.

2. Persons of foreign birth who, prior to the first day of December, A. D. 1908, shall have declared their intentions to become citizens conformable to the laws of the United States on the subject of naturalization: provided that the rights hereby granted to such persons shall cease on the first day of December, A. D. 1912.

3. Persons of Indian blood who have once been declared by law of con-

[2] This proposal was not accepted by congress. See Act of May 29, 1848, admitting Wisconsin to the Union.

gress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons of Indian descent not members of any tribe; provided, that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated; but no such law shall be in force until the same shall have been submitted to a vote of the people at a general election and approved by a majority of all the votes cast at such election: and provided further, that in incorporated cities and villages, the legislature may provide for the registration of electors and prescribe proper rules and regulations therefor.[3]

SEC. 2. No person under guardianship, non-compos mentis, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, or felony, be qualified to vote at any election, unless restored to civil rights.

SEC. 3. All votes shall be given by ballot, except for such township officers as may by law be directed, or allowed to be otherwise chosen.

SEC. 4. No person shall be deemed to have lost his residence in this State, by reason of his absence on business of the United States, or of this State.

SEC. 5. No soldier, seaman, or marine in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed within the same.

SEC. 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, or larceny, or of any infamous crime, and depriving every person who shall make, or become directly, or indirectly interested, in any bet or wager depending upon the result of any election, from the right to vote at such election.

ARTICLE IV.

LEGISLATIVE.

SECTION 1. The legislative power shall be vested in a Senate and Assembly.

SEC. 2. The number of the members of the Assembly shall never be less than fifty-four, nor more than one hundred. The Senate shall consist of a number not more than one-third, nor less than one-fourth of the number of the members of the Assembly.

SEC. 3. At their first session after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the Senate and Assembly, according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy.[4]

SEC. 4. The members of the assembly shall be chosen biennially, by single districts on the Tuesday succeeding the first Monday of November after the adoption of this amendment by the qualified electors of the several districts; such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory, and be in as compact form as practicable.[5]

SEC. 5. The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen, and no assembly district shall be divided in the formation of a senate district. The senate district shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even-numbered districts. The Senators elected, or holding

[3] Section 1 has been amended twice; the first amendment was proposed and adopted by the legislature of 1881, readopted by the legislature of 1882, and ratified on Nov. 7, 1882; the second amendment was proposed and adopted by the legislature of 1905, readopted by the legislature of 1907, and ratified on Nov. 3, 1908.

[4] Amendment proposed and adopted by the legislature of 1907, readopted by the legislature of 1909 and ratified on Nov. 8, 1910.

[5] Amendment proposed and adopted by the legislature of 1880, readopted by the legislature of 1881 and ratified on Nov. 8, 1881.

over at the time of the adoption of this amendment, shall continue in office till their successors are duly elected and qualified; and after the adoption of this amendment, all senators shall be chosen for the term of four years.[6]

SEC. 6. No person shall be eligible to the Legislature, who shall not have resided one year within the State, and be a qualified elector in the district which he may be chosen to represent.

SEC. 7. Each house shall be the judge of the elections, returns and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties as each house may provide.

SEC. 8. Each house may determine the rules of its own proceedings, punish for contempt and disorderly behaviour, and with the concurrence of two-thirds of all the members elected, expel a member; but no member shall be expelled a second time for the same cause.

SEC. 9. Each house shall choose its own officers and the Senate shall choose a temporary president, when the Lieutenant-Governor shall not attend as president, or shall act as Governor.

SEC. 10. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors on each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without the consent of the other, adjourn for more than three days.

SEC. 11. The legislature shall meet at the seat of government at such time as shall be provided by law, once in two years and no oftener, unless convened by the Governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.[7]

SEC. 12. No member of the Legislature, shall, during the term for which he was elected, be appointed or elected to any civil office in the State, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

SEC. 13. No person being a member of Congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature, and if any person shall, after his election as a member of the Legislature, be elected to Congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

SEC. 14. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the Legislature.

SEC. 15. Members of the Legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest; nor shall they be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 16. No member of the Legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

SEC. 17. The style of the laws of the State shall be "The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:" and no law shall be enacted except by bill.

SEC. 18. No private or local bill which may be passed by the Legislature shall embrace more than one subject, and that shall be expressed in the title.

SEC. 19. Any bill may originate in either house of the Legislature, and a bill passed by one house may be amended by the other.

SEC. 20. The yeas and nays of the members of either house, on any question shall, at the request of one-sixth of those present, be entered on the journal.

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[6] Amendment proposed and adopted by the legislature of 1880, readopted by the legislature of 1881, and ratified on Nov. 8, 1881.

[7] Amendment proposed and adopted by the legislature of 1880, readopted by the legislature of 1881, and ratified on Nov. 8, 1881.

SEC. 21. Each member of the legislature shall receive for his services, for and during a regular session, the sum of five hundred dollars, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly, except for mileage, to be computed at the same rate as for a regular session. No stationery, newspapers, postage or other perquisite, except the salary and mileage above provided, shall be received from the state by any member of the legislature for his services, or in any other manner as such member.[8]

SEC. 22. The Legislature may confer upon the boards of supervisors of the several counties of the State, such powers of a local, legislative and administrative character, as they shall from time to time prescribe.

SEC. 23. The Legislature shall establish but one system of town and county government which shall be as nearly uniform as practicable.

SEC. 24. The Legislature shall never authorize any lottery, or grant any divorce.

SEC. 25. The Legislature shall provide by law, that all stationery required for the use of the State, and all printing authorized and required by them to be done for their use, or for the State, shall be let by contract to the lowest bidder, but the Legislature may establish a maximum price, no member of the Legislature or other State Officer, shall be interested, either directly or indirectly, in any such contract.

SEC. 26. The Legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into; nor shall the compensation of any public officer be increased, or diminished during his term of office.

SEC. 27. The Legislature shall direct by law in what manner and in what courts, suits may be brought against the State.

SEC. 28. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe an oath, or affirmation to support the Constitution of the United States, and the Constitution of the State of Wisconsin, and faithfully to discharge the duties of their respective offices to the best of their ability.

SEC. 29. The Legislature shall determine what persons shall constitute the militia of the State, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.

SEC. 30. In all elections to be made by the Legislature, the members thereof shall vote viva-voce, and their votes shall be entered on the journal.

SEC. 31. The Legislature is prohibited from enacting any special or private laws in the following cases: 1st. For changing the name of persons or constituting one person the heir-at-law of another. 2d. For laying out, opening or altering highways except in cases of State roads extending into more than one county, and military roads to aid in the construction of which lands may be granted by Congress. 3. For authorizing persons to keep ferries across streams, at points wholly within this state. 4th. For authorizing the sale or mortgage of real or personal property of minors or others under disability. 5th. For locating or changing any county seat. 6th. For assessment or collection of taxes or for extending the time for collection thereof. 7th. For granting corporate powers or privileges, except to cities. 8th. For author-

[8] Section 21 has been amended twice; the first amendment was proposed and adopted by the legislature of 1865, readopted by the legislature of 1867, and ratified in November, 1867; the present amendment was proposed and adopted by the legislature of 1880, readopted by the legislature of 1881, and ratified on Nov. 8, 1881. The text of the amendment of 1867 is as follows: Sec. 21. Each member of the legislature shall receive for his services three hundred and fifty dollars per annum, and ten cents for every mile he shall travel in going to and returning from the place of the meetings of the legislature, on the most usual route. In case of an extra session of the legislature, no additional compensation shall be allowed to any member thereof, either directly or indirectly.

izing the apportionment of any part of the school fund. 9th. For incorporating any city, town, or village, or to amend the charter thereof.[9]

SEC. 32. The Legislature shall provide general laws for the transaction of any business that may be prohibited by section thirty-one of this article, and all such laws shall be uniform in their operations throughout the State.[10]

ARTICLE V.

EXECUTIVE.

SECTION 1. The Executive power shall be vested in a Governor, who shall hold his office for two years; a Lieutenant Governor shall be elected at the same time, and for the same term.

SEC. 2. No person except a citizen of the United States and a qualified elector of the State shall be eligible to the office of Governor, or Lieutenant Governor.

SEC. 3. The Governor and Lieutenant Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the Legislature. The persons respectively having the highest number of votes for Governor and Lieutenant Governor, shall be elected; but in case two or more shall have an equal and the highest number of votes for Governor, or Lieutenant Governor, the two houses of the Legislature, at its next annual session, shall forthwith, by joint ballot, choose one of the persons so having an equal and the highest number of votes for Governor, or Lieutenant Governor. The returns of election for Governor and Lieutenant Governor, shall be made in such manner as shall be provided by law.

SEC. 4. The Governor shall be Commander-in-Chief of the Military and Naval forces of the State. He shall have power to convene the Legislature on extraordinary occasions, and in case of invasion, or danger from the prevalence of contagious disease at the seat of government, he may convene them at any other suitable place within the State. He shall communicate to the Legislature, at every session, the condition of the State; and recommend such matters to them for their consideration as he may deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the Legislature, and shall take care that the laws be faithfully executed.

SEC. 5. The Governor shall receive, during his continuance in office, an annual compensation of five thousand dollars which shall be in full for all traveling or other expenses incident to his duties.[11]

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons after conviction, for all offences, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Under conviction for treason, he shall have the power to suspend the execution of the sentence, until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature each case of reprieve, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his reasons for granting the same.

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[9] Section 31 is a new section; it was proposed and adopted by the legislature of 1870; readopted by the legislature of 1871, and ratified on Nov. 7, 1871; the section as adopted was modified by an amendment proposed and adopted by the legislature of 1889, readopted by the legislature of 1891, and ratified on Nov. 8, 1892. The text of the section as originally adopted in 1871 was identical with the text of 1892, except for the ninth sub-section, which read: "9th. For incorporating any town or village or to amend the charter thereof."

[10] Section 32 is a new section; it was proposed and adopted by the legislature of 1870, readopted by the legislature of 1871, and ratified on Nov. 7, 1871.

[11] Amendment proposed and adopted by the legislature of 1868, readopted by the legislature of 1869, and ratified on Nov. 2, 1869.

SEC. 7. In case of the impeachment of the Governor, or his removal from office, death, inability from mental or physical disease, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the Governor, absent or impeached, shall have returned, or the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of War, at the head of the Military force thereof, he shall continue Commander-in-chief of the Military force of the State.

SEC. 8. The Lieutenant Governor shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy in the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or from mental, or physical disease become incapable of performing the duties of his office, or be absent from the State, the Secretary of State shall act as Governor, until the vacancy shall be filled, or the disability shall cease.

SEC. 9. The Lieutenant Governor shall receive, during his continuance in office, an annual compensation of one thousand dollars.[12]

SEC. 10. Every bill which shall have passed the Legislature shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration two-thirds of the members present, shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not be a law.[13]

ARTICLE VI.

ADMINISTRATIVE.

SECTION 1. There shall be chosen by the qualified electors of the State, at the times and places of choosing the members of the Legislature, a Secretary of State, Treasurer and Attorney General, who shall severally hold their offices for the term of two years.

SEC. 2. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive departments of the State, and shall, when required, lay the same and all matters relative thereto, before either branch of the Legislature. He shall be ex-officio Auditor and shall perform such other duties as shall be assigned him by law. He shall receive as a compensation for his services yearly, such sum as shall be provided by law, and shall keep his office at the seat of government.

SEC. 3. The powers, duties and compensation of the Treasurer and Attorney General shall be prescribed by law.

SEC. 4. Sheriffs, coroners, registers of deeds, district attorneys, and all other county officers except judicial officers, shall be chosen by the electors of the respective counties, once in every two years. Sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices; they may be required by law to renew their security from time to time, and in default of giving such new security their office shall be deemed vacant; but the county shall never be made responsible for the acts of the Sheriff. The Governor may remove any officer in this section mentioned, giving to such a copy of the charges against him and an opportunity of being

[12] Amendment proposed and adopted by the legislature of 1867, readopted by the legislature of 1869, and ratified on Nov. 2, 1869.

[13] Amendment proposed and adopted by the legislature of 1905, readopted by the legislature of 1907, and ratified on Nov. 3, 1908.

heard in his defense. All vacancies shall be filled by appointment; and the person appointed to fill a vacancy shall hold only for the unexpired portion of the term to which he shall be appointed and until his successor shall be elected and qualified.[14]

ARTICLE VII.

JUDICIARY.

SECTION 1. The court for the trial of impeachments shall be composed of the Senate. The House of Representatives shall have the power of impeaching all civil officers of this State, for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the court. No judicial officer shall exercise his office, after he shall have been impeached, until his acquittal. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the State; but the party impeached shall be liable to indictment, trial and punishment according to law.

SEC. 2. The judicial power of this State, both as to matters of law and equity, shall be vested in a Supreme court, Circuit courts, Courts of Probate and in Justices of the Peace. The Legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and shall have power to establish inferior courts in the several counties, with limited civil and criminal jurisdiction. Provided, that the jurisdiction which may be vested in municipal courts, shall not exceed, in their respective municipalities, that of circuit courts in their respective circuits, as prescribed in this Constitution: And that the Legislature shall provide as well for the election of Judges of the Municipal courts, as of the Judges of inferior courts, by the qualified electors of the respective jurisdictions. The term of office of the judges of the said Municipal and inferior courts shall not be longer than that of the Judges of the circuit court.

SEC. 3. The Supreme court, except in cases otherwise provided in this Constitution, shall have appellate jurisdiction only, which shall be co-extensive with the State; but in no case removed to the Supreme Court shall a trial by jury be allowed. The Supreme Court shall have a general superintending control over all inferior courts; it shall have power to issue writs of habeas-corpus, mandamus, injunction, quo warranto, certiorari; and other original and remedial writs, and to hear and determine the same.

SEC. 4. The chief justice and associate justices of the Supreme Court shall be severally known as justices of said court, with the same terms of office of ten years respectively as now provided. The Supreme Court shall consist of seven justices, any four of whom shall be a quorum, to be elected as now provided, not more than one each year. The justice having been longest a continuous member of said court, or in case two or more such senior justices shall have served for the same length of time, then the one whose commission first expires shall be ex-officio, the chief justice.[15]

SEC. 5. The State shall be divided into five judicial circuits, to be com-

[14] Amendment proposed and adopted by the legislature of 1881, readopted by the legislature of 1882, and ratified on Nov. 7, 1882.

[15] Section 4 has been amended three times; the first amendment was proposed and adopted by the legislature of 1876; readopted by the legislature of 1877, and ratified on Nov. 6, 1877; the second amendment was proposed and adopted by the legislature of 1887; readopted by the legislature of 1889 and ratified on April 2, 1889; the third and present amendment was proposed and adopted by the legislature of 1901, readopted by the legislature of 1903, and ratified on April 7, 1903. The proceedings in the adoption of the third amendment from the proposal to the ratification by the electors, designate Section 1 of Article IV as the section and article to be amended. A similar error supervened in the proceedings for the adoption of the second amendment of 1889.

posed as follows: The first circuit shall comprise the counties of Racine, Walworth, Rock and Green; the second circuit the counties of Milwaukee, Waukesha, Jefferson and Dane; the third circuit, the counties of Washington, Dodge, Columbia, Marquette, Sauk and Portage; the fourth circuit, the counties of Brown, Manitowoc, Sheboygan, Fond du Lac, Winnebago and Calumet; and the fifth circuit shall comprise the counties of Iowa, LaFayette, Grant, Crawford and St. Croix; and the county of Richland shall be attached to Iowa, the county of Chippewa to the county of Crawford, and the county of La Pointe to the county of St. Croix for judicial purposes until otherwise provided by the Legislature.

SEC. 6. The Legislature may alter the limits, or increase the number of circuits, making them as compact and convenient as practicable, and bounding them by county lines; but no such alteration or increase shall have the effect to remove a judge from office. In case of an increase of circuits, the judge or judges shall be elected as provided in this Constitution and receive a salary not less than that herein provided for the judges of the circuit court.

SEC. 7. For each circuit there shall be chosen by the qualified electors thereof, one circuit judge, except that in any circuit composed of one county only, which county shall contain a population according to the last state or United States census, of one hundred thousand inhabitants or over, the Legislature may, from time to time, authorize additional circuit judges to be chosen. Every circuit judge shall reside in the circuit from which he is elected, and shall hold his office for such term and receive such compensation as the Legislature shall prescribe.[16]

SEC. 8. The circuit courts shall have original jurisdiction in all matters civil and criminal within this State, not excepted in this Constitution, and not hereafter prohibited by law; and appellate jurisdiction from all inferior courts and tribunals and a supervisory control over the same. They shall also have the power to issue writs of habeas corpus, mandamus, injunction, quo warranto, certiorari, and all other writs necessary to carry into effect their orders, judgments and decrees, and give them a general control over inferior courts and jurisdictions.

SEC. 9. When a vacancy shall happen in the office of judge of the Supreme or circuit courts, such vacancy shall be filled by an appointment of the Governor, which shall continue until a successor is elected and qualified; and when elected such successor shall hold his office the residue of the unexpired term. There shall be no election for a judge or judges at any general election for State or county officers, nor within thirty days either before or after such election.

SEC. 10. Each of the judges of the supreme and circuit courts shall receive a salary, payable at such time as the legislature shall fix, of not less than one thousand five hundred dollars annually; they shall receive no fees of office, or other compensation than their salary; they shall hold no office of public trust except a judicial office, during the term for which they are respectively elected, and all votes for either of them for any office, except a judicial office, given by the legislature or the people, shall be void. No person shall be eligible to the office of judge who shall not at the time of his election, be a citizen of the United States and have attained the age of twenty-five years, and be a qualified elector within the jurisdiction for which he may be chosen.[17]

SEC. 11. The Supreme Court shall hold at least one term, annually, at the seat of government of the State, at such time as shall be provided by

[16] Amendment proposed and adopted by the legislature of 1895, readopted by the legislature of 1897, and ratified on April 6, 1897.

[17] Amendment proposed and adopted by the legislature of 1909, readopted by the legislature of 1911, and ratified on Nov. 5, 1912. This amendment, as proposed by the legislature of 1909, was supposedly agreed to by the legislature of 1911, but by a resolution which was somewhat faulty. The act submitting the amendment to the electors, Acts 1911, Chapter 665, recites due approval of the proposed amendment by the latter legislature, but there was no roll call in either house upon the passage of the act, as is required in the adoption of an approving resolution, and there is no proof that a majority of the members of either house voted in favor of its adoption.

law, and the Legislature may provide for holding other terms, and at other places when they may deem it necessary. A Circuit Court shall be held, at least twice in each year, in each county of this State organized for judicial purposes. The judges of the circuit court may hold courts for each other, and shall do so when required by law.

SEC. 12. There shall be a clerk of the circuit court chosen in each county organized for judicial purposes by the qualified electors thereof, who shall hold his office for two years, subject to removal as shall be provided by law; in case of a vacancy the judge of the circuit court shall have power to appoint a clerk until the vacancy shall be filled by an election; the clerk thus elected or appointed shall give such security as the Legislature may require. The supreme court shall appoint its own clerk; and a clerk of the circuit court may be appointed a clerk of the supreme court.[18]

SEC. 13. Any judge of the Supreme or circuit court may be removed from office, by address of both houses of the Legislature, if two-thirds of all the members elected to each house concur therein, but no removal shall be made by virtue of this section, unless the judge complained of shall have been served with a copy of the charges against him, as the ground of address, and shall have had an opportunity of being heard in his defense. On the question of removal, the ayes and noes shall be entered on the journals.

SEC. 14. There shall be chosen in each county, by the qualified electors thereof, a Judge of Probate, who shall hold his office for two years, and until his successors shall be elected and qualified, and whose jurisdiction, powers and duties shall be prescribed by law. Provided, however, that the Legislature shall have power to abolish the office of Judge of Probate in any county, and to confer Probate powers upon such inferior courts as may be established in said county.

SEC. 15. The electors of the several towns, at their annual town meeting, and the electors of cities and villages, at their charter elections, shall in such manner as the Legislature may direct, elect justices of the peace, whose term of office shall be for two years, and until their successors in office shall be elected and qualified. In case of an election to fill a vacancy, occurring before the expiration of a full term, the justice elected shall hold for the residue of the unexpired term. Their number and classification shall be regulated by law. And the tenure of two years shall in no wise interfere with the classification in the first instance. The justices, thus elected, shall have such civil and criminal jurisdiction as shall be prescribed by law.

SEC. 16. The legislature shall pass laws for the regulation of tribunals of conciliation, defining their power and duties. Such tribunals may be established in and for any township, and shall have power to render judgment to be obligatory on the parties, when they shall voluntarily submit their matter in difference to arbitration, and agree to abide the judgment, or assent there to in writing.

SEC. 17. The style of all writs and process shall be, "The State of Wisconsin:" all criminal prosecutions shall be carried on in the name and by the authority of the same; and all indictments shall conclude against the peace and dignity of the State.

SEC. 18. The Legislature shall impose a tax on all civil suits commenced, or prosecuted in the municipal, inferior, or circuit courts, which shall constitute a fund to be applied toward the payment of the salary of judges.

SEC. 19. The testimony in causes in equity shall be taken in like manner as in cases at law, and the office of master in chancery is hereby prohibited.

SEC. 20. Any suitor, in any court of this State, shall have the right to prosecute or defend his suit either in his own proper person, or by an attorney or agent of his choice.

SEC. 21. The Legislature shall provide by law for the speedy publication of all statute laws, and of such judicial decisions, made within the State,

[18] Amendment proposed and adopted by the legislature of 1881, readopted by the legislature of 1882, and ratified on Nov. 7, 1882.

as may be deemed expedient. And no general law shall be in force until published.

SEC. 22. The Legislature at its first session, after the adoption of this Constitution, shall provide for the appointment of three commissioners, whose duty it shall be to inquire into, revise, and simplify the rules of practice, pleadings, forms and proceedings, and arrange a system, adapted to the courts of record of this State, and report the same to the Legislature, subject to their modification and adoption; and such commission shall terminate upon the rendering of the report, unless otherwise provided by law.

SEC. 23. The Legislature may provide for the appointment of one or more persons in each organized county, and may vest in such person such judicial powers as shall be prescribed by law. Provided, that said power shall not exceed that of a judge of a circuit court at chambers.

ARTICLE VIII.

FINANCE.

SECTION 1. The rules of taxation shall be uniform, and taxes shall be levied upon such property as the Legislature shall prescribe. Taxes may also be imposed on incomes, privileges and occupations, which taxes may be graduated and progressive, and reasonable exemptions may be provided.[19]

SEC. 2. No money shall be paid out of the treasury, except in pursuance of an appropriation by law. No appropriation shall be made for the payment of any claim against the State, except claims of the United States, and judgments, unless filed within six years after the claim accrued.[20]

SEC. 3. The credit of the State shall never be given, or loaned, in aid of any individual, association, or corporation.

SEC. 4. The State shall never contract any public debt, except in the cases and manner herein provided.

SEC. 5. The Legislature shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax for the ensuing year, sufficient, with other sources of income, to pay the deficiency as well as the estimated expenses of such ensuing year.

SEC. 6. For the purpose of defraying extraordinary expenditures, the State may contract public debts (but such debts shall never in the aggregate exceed one hundred thousand dollars). Every such debt shall be authorized by law, for some purpose or purposes to be distinctly specified therein; and the vote of a majority of all the members elected to each house, to be taken by yeas and nays, shall be necessary to the passage of such law; and every such law shall provide for levying an annual tax sufficient to pay the annual interest of such debt, and the principal within five years from the passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation shall not be repealed, nor the taxes be postponed, or diminished, until the principal and interest of such debt shall have been wholly paid.

SEC. 7. The Legislature may also borrow money to repel invasion, suppress insurrection, or defend the State in time of war; but the money thus raised shall be applied exclusively to the object for which the loan was authorized, or to the repayment of the debt thereby created.

SEC. 8. On the passage in either house of the Legislature, of any law which imposes, continues, or renews a tax, or creates a debt, or charge, or makes, continues, or renews an appropriation of public, or trust money, or releases, discharges, or commutes a claim, or demand of the State, the question shall be taken by yeas and nays, which shall be duly entered on the

[19] Amendment proposed and adopted by the legislature of 1905, readopted by the legislature of 1907, and ratified on Nov. 3, 1908.

[20] Amendment proposed and adopted by the legislature of 1876, readopted by the legislature of 1877, and ratified on Nov. 6, 1877.

journal; and three-fifths of all the members elected to such house shall in all such cases be required to constitute a quorum therein.

SEC. 9. No scrip, certificate or other evidence of State debt, whatsoever, shall be issued, except for such debts as are authorized by the sixth and seventh sections of this Article.

SEC. 10. The State shall never contract any debt for works of Internal Improvement, or be a party in carrying on such works, but whenever grants of land or other property shall have been made to the State, especially dedicated by the grant to particular works of Internal Improvement, the State may carry on such particular works, and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

Provided that the State may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

Provided, further, that the State may appropriate moneys for the purpose of acquiring, preserving, and developing the water power and the forests of the State; but there shall not be appropriated under the authority of this section in any one year an amount to exceed two-tenths of one mill of the taxable property of the State as determined by the last preceding State assessment.[21]

ARTICLE IX.

EMINENT DOMAIN AND PROPERTY OF THE STATE.

SECTION 1. The State shall have concurrent jurisdiction on all rivers and lakes bordering on the State, so far as such rivers or lakes shall form a common boundary to the State and any other State, or Territory, now or hereafter to be formed, and bounded by the same: And the river Mississippi and the navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways and forever free, as well to the inhabitants of the State, as to the citizens of the United States, without any tax, impost or duty therefor.

SEC. 2. The title to all lands and other property which have accrued to the Territory of Wisconsin by grant, gift, purchase, forfeiture, escheat, or otherwise, shall vest in the State of Wisconsin.

SEC. 3. The people of the State, in their right of sovereignty, are declared to possess the ultimate property, in and to all lands within the jurisdiction of the State, and all lands the title to which shall fail from a defect of heirs, shall revert or escheat to the people.

ARTICLE X.

EDUCATION.

SECTION 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the Legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday of July, 1905.

[21] Section 10 has been amended twice; the first amendment was proposed and adopted by the legislature of 1905; readopted by the legislature of 1907, and ratified at the election of Nov. 3, 1908; the second amendment was proposed and adopted by the legislature of 1907, readopted by the legislature of 1909, and ratified on Nov. 8, 1910. The first proviso is the amendment of 1908; the second proviso is the amendment of 1910. The legislature of 1909 never acted upon the amendment of 1910 except by the enactment of Chapter 514 of the session laws of that year, which set forth that the resolution proposing the amendment had been agreed to by the legislature of 1909, and by the submission of the question of the adoption of the amendment to the electors in November, 1910; but there was no roll call upon the bill, and there is no existing proof that a majority of the members-elect of either house ever approved the resolution or the enactment.

and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.[22]

SEC. 2. The proceeds of all lands, that have been or hereafter may be granted by the United States to this State for educational purposes (except the lands heretofore granted for the purposes of a University) and all moneys, and the clear proceeds of all property that may accrue to the State by forfeiture or escheat, and all moneys which may be paid as an equivalent for exemption from military duty; and the clear proceeds of all fines collected, in the several counties for any breach of the penal laws, and all moneys arising from any grant to the State where the purposes of such grant are not specified, and the five hundred thousand acres of land, to which the State is entitled by the provisions of an act of Congress entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-exemption rights," approved the fourth day of September, one thousand eight hundred and forty-one; and also the five per centum of the net proceeds of the public lands to which the State shall become entitled on her admission into the Union (if Congress shall consent to such appropriation of the two grants last mentioned) shall be set apart as a separate fund, to be called "The School Fund," the interest of which and all other revenues derived from the school lands, shall be exclusively applied to the following objects, to-wit:

First. To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.

Second. The residue shall be appropriated to the support and maintenance of Academies and Normal Schools, and suitable libraries and apparatus therefor.

SEC. 3. The Legislature shall provide by law for the establishment of District Schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition, to all children between the ages of four and twenty years; and no sectarian instruction shall be allowed therein.

SEC. 4. Each town and city shall be required to raise, by tax, annually, for the support of common schools therein, a sum not less than one-half the amount received by such town or city respectively for school purposes from the income of the school fund.

SEC. 5. Provision shall be made by law, for the distribution of the income of the school fund among the several towns and cities of the State, for the support of common schools therein, in some just proportion to the number of children and youth resident therein, between the ages of four and twenty years, and no appropriation shall be made from the school fund to any city, town, for the year in which said city or town shall fail to raise such tax; nor to any school district for the year in which a school shall not be maintained at least three months.

SEC. 6. Provision shall be made by law for the establishment of a State University, at or near the seat of State government, and for connecting with the same, from time to time, such colleges in different parts of the State, as the interests of education may require. The proceeds of all lands that have been, or may hereafter be granted by the United States to the support of a University, shall be and remain a perpetual fund, to be called "The University Fund," the interest of which shall be appropriated to the support of the State University, and no Sectarian instruction shall be allowed in such University.

SEC. 7. The Secretary of State, Treasurer and Attorney General, shall constitute a board of commissioners for the sale of the School and University lands, and for the investment of the funds arising therefrom. Any two of said commissioners shall be a quorum for the transaction of all business pertaining to the duties of their office.

SEC. 8. Provision shall be made by law for the sale of all School and Univer-

[22] Amendment proposed and adopted by the legislature of 1899, readopted by the legislature of 1901, and ratified at the election of Nov. 4, 1902.

sity lands, after they shall have been appraised; and when any portion of such lands shall be sold and the purchase money shall not be paid at the time of the sale, the commissioners shall take security by mortgage upon the land sold for the sum remaining unpaid, with seven per cent. interest thereon, payable annually at the office of the Treasurer. The commissioners shall be authorized to execute a good and sufficient conveyance to all purchasers of such lands, and to discharge any mortgages taken as security, when the sum due thereon shall have been paid. The commissioners shall have power to withhold from sale any portion of such lands when they shall deem it expedient, and shall invest all moneys arising from the sale of such lands, as well as all other University and School funds, in such manner as the Legislature shall provide, and shall give such security for the faithful performance of their duties as may be required by law.

ARTICLE XI.

CORPORATIONS.

SECTION 1. Corporations without banking powers or privileges may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where in the judgment of the Legislature the objects of the corporation cannot be attained under general laws. All general laws, or special acts, enacted under the provisions of this section, may be altered or repealed by the Legislature at any time after their passage.

SEC. 2. No municipal corporation shall take private property for public use against the consent of the owner, without the necessity thereof being first established by the verdict of a jury.

SEC. 3. It shall be the duty of the Legislature, and they are hereby empowered, to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent abuses in assessments and taxation, and in contracting debts by such municipal corporations. No county, city, town, village, school district, or other municipal corporation shall be allowed to become indebted in any manner or for any purpose to any amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall, before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same; except that when such indebtedness is incurred in the acquisition of lands by cities, or by counties having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, the city or county incurring the same shall, before or at the time of so doing, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within a period not exceeding fifty years from the time of contracting the same.[23]

SEC. 3a. The State or any of its cities may acquire by gift, purchase or condemnation lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways, boulevards, parks, playgrounds, sites for public buildings, and reservations in and along and leading to any or all of the same; and after the establishment, layout, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations

[23] Section 3 has been amended twice; the first amendment was proposed and adopted by the legislature of 1872, readopted by the legislature of 1873, and ratified at the election of Nov. 3, 1874; the second amendment was proposed and adopted by the legislature of 1909, readopted by the legislature of 1911, and ratified at the election of Nov. 5, 1912.

cerning the future use and occupation of such real estate, so as to protect such public works and improvements, and their environs, and to preserve the view, appearance, light, air, and usefulness of such public works.[24]

SEC. 4. The legislature shall have power to enact a general banking law for the creation of banks, and for the regulation and supervision of the banking business, provided that the vote of two-thirds of all the members elected to each house, to be taken by yeas and nays, be in favor of the passage of such law.[25]

ARTICLE XII.

AMENDMENTS.

SECTION 1. Any amendment, or amendments to this Constitution may be proposed in either house of the Legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment, or amendments, shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election; and shall be published for three months previous to the time of holding such election, and if, in the Legislature so next chosen, such proposed amendment, or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment, or amendments to the people in such manner, and at such time, as the Legislature shall prescribe; and if the people shall approve, and ratify such amendment, or amendments by a majority of the electors voting thereon, such amendment, or amendments, shall become part of the Constitution; provided, that if more than one amendment be submitted, they shall be submitted in such manner that the people may vote for or against such amendments separately.

SEC. 2. If at any time a majority of the Senate and Assembly shall deem it necessary to call a convention to revise or change this Constitution, they shall recommend to the electors to vote for or against a convention at the next election for members of the Legislature. And if it shall appear that a majority of the electors voting thereon, have voted for a convention, the Legislature shall, at its next session, provide for calling such convention.

ARTICLE XIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The political year for the State of Wisconsin shall commence on the first Monday in January in each year, and the general elections shall be holden on the Tuesday next succeeding the first Monday in November. The first general election for all state and county officers, except judicial officers, after the adoption of this amendment, shall be holden in the year A. D. 1884, and thereafter the general election shall be held biennially. All state, county and other officers elected at the general election in the year 1881, and whose term of office would otherwise expire on the first Monday of January in the year 1884, shall hold and continue in such office respectively, until the first Monday in January in the year 1885.[26]

SEC. 2. Any inhabitant of this State who may hereafter be engaged, either directly or indirectly in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the Constitution and laws of this State, and may be punished in such other manner as shall be prescribed by law.

SEC. 3. No member of Congress, nor any person holding any office of profit or trust under the United States (Postmasters excepted) or under any foreign power; no person convicted of any infamous crime in any court within

[24] Section 3a is a new section, it was proposed and adopted by the legislature of 1909, readopted by the legislature of 1911, and ratified at the election of Nov. 5, 1912.

[25] Amendment proposed and adopted by the legislature of 1899, readopted by the legislature of 1901, and ratified on Nov. 4, 1902. The present Section 1 was substituted for original Sections 4 and 5.

[26] Amendment proposed and adopted by the legislature of 1881, readopted by the legislature of 1882, and ratified on Nov. 7, 1882.

the United States; and no person being a defaulter to the United States, or to this State, or to any county, or town therein, or to any State, or Territory within the United States, shall be eligible to any office of trust, profit, or honor in this State.

SEC. 4. It shall be the duty of the Legislature to provide a great seal for the State, which shall be kept by the Secretary of State, and all official acts of the Governor, his approbation of the laws excepted, shall be thereby authenticated.

SEC. 5. All persons residing upon Indian lands, within any county of the State, and qualified to exercise the right of suffrage under this Constitution, shall be entitled to vote at the polls which may be held nearest their residence, for State, United States or County officers. Provided, that no person shall vote for county officers out of the county in which he resides.

SEC. 6. The elective officers of the Legislature, other than the presiding officers, shall be a chief clerk and a sergeant-at-arms, to be elected by each house.

SEC. 7. No county with an area of nine hundred square miles, or less, shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county, voting on the question, shall vote for the same.

SEC. 8. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county, voting on the question, shall have voted in favor of its removal to such point.

SEC. 9. All county officers whose election, or appointment is not provided for by this Constitution, shall be elected by the electors of the respective counties, or appointed by the boards of supervisors, or other county authorities, as the Legislature shall direct. All city, town and village officers, whose election or appointment is not provided for by this Constitution, shall be elected by the electors of such cities, towns and villages, or of some division thereof, or appointed by such authorities thereof, as the Legislature shall designate for that purpose. All other officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

SEC. 10. The Legislature may declare the cases in which any office shall be deemed vacant, and also the manner of filling the vacancy, where no provision is made for that purpose in this Constitution.

SEC. 11. No person, association, co-partnership or corporation, shall promise, offer, or give, for any purpose, to any political committee, or any member or employee thereof to any candidate for, or incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this State, or to any person at the request or for the advantage of all, or any of them, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. No political committee, and no member or employee thereof, no candidate for, and no incumbent of any office or position under the constitution or laws, or under any ordinance of any town or municipality of this State, shall ask for, accept, from any person, association, co-partnership, or corporation, or use in any manner, or for any purpose, any free pass or frank, or any privilege withheld from any person, for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication. Any violation of any of the above provisions shall be bribery and be punished as provided by law, and if any officer or any member of the legislature be guilty thereof, his office shall become vacant. No person within the purview of this act shall be privileged from testifying in relation to any thing therein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence. The ra

road commissioner and his deputy in the discharge of duty are excepted from the provisions of this amendment.[27]

ARTICLE XIV.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a permanent State government, it is declared, that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals, as of bodies corporate, shall continue as if no such change had taken place; and all valid process which may be issued under the authority of the Territory of Wisconsin previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Wisconsin, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

SEC. 3. All fines, penalties, or forfeitures, accruing to the Territory of Wisconsin, shall inure to the use of the State.

SEC. 4. All recognizances heretofore taken or which may be taken before the change from Territorial to a permanent State government, shall remain valid and shall pass to and may be prosecuted in the name of the State; and all bonds executed to the Governor of the Territory, to any other officer, or court, in his, or their official capacity, shall pass to the Governor or State authority, and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate, or property, real, personal, or mixed, and all judgments, bonds, specialties, choses in action, and claims or debts of whatsoever description, of the Territory of Wisconsin, shall inure to and vest in the State of Wisconsin, and may be sued for and recovered in the same manner and to the same extent by the State of Wisconsin, as the same could have been by the Territory of Wisconsin. All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Wisconsin, before the change from a Territorial to a State government, and which shall not be prosecuted before such change may be prosecuted in the name and by the authority of the State of Wisconsin, with the like effect as though such change had not taken place; and all penalties incurred, shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity, which may be pending in any of the courts of the Territory of Wisconsin, at the time of the change from a Territorial to State government, may be continued and transferred to any court of the State, which shall have jurisdiction of the subject matter thereof.

SEC. 5. All officers, civil and military, now holding their offices under the authority of the United States, or of the Territory of Wisconsin, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

SEC. 6. The first session of the Legislature of the State of Wisconsin shall commence on the first Monday in June next, and shall be held at the village of Madison, which shall be and remain the seat of government, until otherwise provided by law.

SEC. 7. All county, precinct and township officers shall continue to hold their respective offices, unless removed by the competent authority, until the Legislature shall, in conformity with the provisions of this Constitution, provide for the holding of elections to fill such offices respectively.

SEC. 8. The President of this convention shall, immediately after its adjournment, cause a fair copy of this Constitution, together with a copy of the act of the Legislature of this Territory, entitled "An act in relation to the formation of a State government in Wisconsin, and to change the time of holding

[27] Section 11 is a new section; it was proposed and adopted by the legislature of 1899, readopted by the legislature of 1901, and ratified at the election of Nov. 4, 1902.

the annual session of the Legislature," approved October 27th, 1847, providing for the calling of this Convention, and also a copy of so much of the last census of this Territory, as exhibits the number of its inhabitants, to be forwarded to the President of the United States, to be laid before the Congress of the United States, at its present session.

SEC. 9. This Constitution shall be submitted at an election to be held on the second Monday in March next, for ratification or rejection, to all white male persons of the age of twenty-one years or upwards, who shall then be residents of this Territory, and citizens of the United States, or shall have declared their intention to become such in conformity with the laws of Congress on the subject of naturalization, and all persons having such qualification shall be entitled to vote for, or against the adoption of this Constitution, and for all officers first elected under it. And if the Constitution be ratified by the said electors, it shall become the Constitution of the State of Wisconsin. On such of the ballots as are for the Constitution, shall be written or printed the word "Yes" and on such as are against the Constitution, the word "No." The election shall be conducted in the manner now prescribed by law, and the returns made by the clerks of the boards of supervisors or county commissioners (as the case may be) to the Governor of the Territory, at any time before the tenth day of April next. And in the event of the ratification of this Constitution, by a majority of all the votes given, it shall be the duty of the Governor of this Territory to make proclamation of the same, and to transmit a digest of the returns to the Senate and Assembly of the State, on the first day of their session. An election shall be held, for Governor, Lieutenant Governor, Treasurer, Attorney General, members of the State Legislature, and members of Congress, on the second Monday of May next; and no other or further notice of such election shall be required.

SEC. 10. Two members of Congress shall also be elected, on the second Monday of May next; and until otherwise provided by law, the counties of Milwaukee, Waukesha, Jefferson, Racine, Walworth, Rock and Green, shall constitute the first congressional district and elect one member. And the counties of Washington, Sheboygan, Manitowoc, Calumet, Brown, Winnebago, Fond du Lac, Marquette, Sauk, Portage, Columbia, Dodge, Dane, Iowa, La Fayette, Grant, Richland, Crawford, Chippewa, St. Croix, and La Pointe, shall constitute the second congressional district, and shall elect one member.[28]

SEC. 11. The several elections, provided for in this article shall be conducted according to the existing laws of the Territory, provided that no elector shall be entitled to vote except in the town, ward or precinct where he resides. The returns of elections for Senators and Members of Assembly, shall be transmitted to the clerk of the Board of Supervisors, or County Commissioners, as the case may be; and the votes shall be canvassed and certificates of election issued as now provided by law. In the first senatorial district, the returns of the election for Senator shall be made to the proper officer in the county of Brown; in the second senatorial district, to the proper officer in the county of Columbia; in the third senatorial district, to the proper officer in the county of Crawford; in the fourth senatorial district, to the proper officer in the county of Fond du Lac; and in the fifth senatorial district, to the proper officer in the county of Iowa. The returns of election for State officers and members of Congress, shall be certified and transmitted to the Speaker of the Assembly, at the seat of government, in the same manner as the votes for delegate to Congress are required to be certified and returned by the laws of the Territory of Wisconsin, to the Secretary of said Territory; and in such time, that they may be received on the first Monday in June next; and as soon as the Legislature shall be organized, the Speaker of the Assembly, and the President of the Senate shall, in the presence of both houses, examine the returns, and declare who shall be duly elected to fill the several offices hereinbefore mentioned; and give to each of the persons elected, a certificate of his election.

SEC. 12. Until there shall be a new apportionment, the Senators and Members

[28] The state is now apportioned by law for the purpose of electing congressmen.

bers of the Assembly, shall be apportioned among the several districts, as hereinafter mentioned; and each district shall be entitled to elect one Senator, or member of the Assembly, as the case may be.

The counties of Brown, Calumet, Manitowoc and Sheboygan shall constitute the First Senate District.

The counties of Columbia, Marquette, Portage and Sauk shall constitute the Second Senate District.

The counties of Crawford, Chippewa, St. Croix and La Pointe shall constitute the Third Senate District.

The counties of Fond du Lac and Winnebago shall constitute the Fourth Senate District.

The counties of Iowa and Richland shall constitute the Fifth Senate District.

The county of Grant shall constitute the Sixth Senate District.

The county of La Fayette shall constitute the Seventh Senate District.

The county of Green shall constitute the Eighth Senate District.

The county of Dane shall constitute the Ninth Senate District.

The county of Dodge shall constitute the Tenth Senate District.

The county of Washington shall constitute the Eleventh Senate District.

The county of Jefferson shall constitute the Twelfth Senate District.

The county of Waukesha shall constitute the Thirteenth Senate District.

The county of Walworth shall constitute the Fourteenth Senate District.

The county of Rock shall constitute the Fifteenth Senate District.

The towns of Southport, Pike, Pleasant, Prairie, Paris, Bristol, Brighton, Salem and Wheatland, in the county of Racine, shall constitute the Sixteenth Senate District.

The towns of Racine, Caledonia, Mount Pleasant, Raymond, Norway, Rochester, Yorkville and Burlington, in the county of Racine, shall constitute the Seventeenth Senate District.

The third, fourth and fifth wards of the City of Milwaukee; and the towns of Lake, Oak Creek, Franklin and Greenfield, in the county of Milwaukee shall constitute the Eighteenth Senate District.

The first and second wards of the City of Milwaukee, and the towns of Milwaukee, Wauwatosa and Granville, in the county of Milwaukee, shall constitute the Nineteenth Senate District.

The county of Brown shall constitute an Assembly District.

The county of Calumet shall constitute an Assembly District.

The county of Manitowoc shall constitute an Assembly District.

The county of Columbia shall constitute an Assembly District.

The counties of Crawford and Chippewa shall constitute an Assembly District.

The counties of St. Croix and La Pointe shall constitute an Assembly District.

The towns of Windsor, Sun Prairie and Cottage Grove, in the county of Dane, shall constitute an Assembly District.

The towns of Madison, Cross Plains, Clarkson, Springfield, Verona, Montrose, Oregon and Greenfield, in the county of Dane, shall constitute an Assembly District.

The towns of Rome, Dunkirk, Christiana, Albion and Rutland, in the county of Dane, shall constitute an Assembly District.

The towns of Burnett, Chester, Le Roy and Williamstown, in the county of Dodge, shall constitute an Assembly District.

The towns of Fairfield, Hubbard and Rubicon, in the county of Dodge, shall constitute an Assembly District.

The towns of Hustisford, Ashippun, Lebanon and Emmett, in the county of Dodge, shall constitute an Assembly District.

The towns of Elba, Lowell, Portland and Clyman, in the county of Dodge, shall constitute an Assembly District.

The towns of Calamus, Beaver Dam, Fox Lake and Trenton, in the county of Dodge, shall constitute an Assembly District.

The towns of Calumet, Forest, Auburn, Byron, Taychedah and Fond du Lac, in the county of Fond du Lac, shall constitute an Assembly District.

The towns of Alto, Metomen, Ceresco, Rosendale, Waupun, Oakfield and Seven Mile Creek, in the county of Fond du Lac, shall constitute an Assembly District.

The precincts of Hazel Green, Fairplay, Smelser's Grove and Jamestown, in the county of Grant, shall constitute an Assembly District.

The precincts of Platteville, Head of Platte, Centreville, Muscoda and Fennimore, in the county of Grant, shall constitute an Assembly District.

The precincts of Pleasant Valley, Potosi, Waterloo, Hurricane and New Lisbon, in the county of Grant, shall constitute an Assembly District.

The precincts of Beetown, Patch Grove, Cassville, Millville and Lancaster, in the county of Grant, shall constitute an Assembly District.

The county of Green shall constitute an Assembly District.

The precincts of Dallas, Peddler's Creek, Mineral Point and Yellow Stone, in the county of Iowa, shall constitute an Assembly District.

The precincts of Franklin, Dodgeville, Porter's Grove, Arena and Percussion, in the county of Iowa, and the county of Richland, shall constitute an Assembly District.

The towns of Watertown, Aztalan and Waterloo, in the county of Jefferson, shall constitute an Assembly District.

The towns of Ixonia, Concord, Sullivan, Hebron, Cold Spring and Palmyra, in the county of Jefferson, shall constitute an Assembly District.

The towns of Lake Mills, Oakland, Koshkonong, Farmington and Jefferson, in the county of Jefferson, shall constitute an Assembly District.

The precincts of Benton, Elk Grove, Belmont, Willow Springs, Prairie, and that part of Shullsburg precinct north of town one, in the county of La Fayette, shall constitute an Assembly District.

The precincts of Wiota, Wayne, Gratiot, White Oaks Springs, Fever River and that part of Shullsburg precinct south of town two, in the county of La Fayette, shall constitute an Assembly District.

The county of Marquette shall constitute an Assembly District.

The first ward of the city of Milwaukee shall constitute an Assembly District.

The second ward of the city of Milwaukee shall constitute an Assembly District.

The third ward of the city of Milwaukee shall constitute an Assembly District.

The fourth and fifth wards of the city of Milwaukee shall constitute an Assembly District.

The towns of Franklin and Oak Creek, in the county of Milwaukee, shall constitute an Assembly District.

The towns of Greenfield and Lake, in the county of Milwaukee, shall constitute an Assembly District.

The towns of Granville, Wauwatosa and Milwaukee, in the county of Milwaukee, shall constitute an Assembly District.

The county of Portage shall constitute an Assembly District.

The town of Racine, in the county of Racine, shall constitute an Assembly District.

The towns of Norway, Raymond, Caledonia and Mount Pleasant, in the county of Racine, shall constitute an Assembly District.

The towns of Rochester, Burlington and Yorkville, in the county of Racine, shall constitute an Assembly District.

The towns of Southport, Pike and Pleasant Prairie, in the county of Racine, shall constitute an Assembly District.

The towns of Paris, Bristol, Brighton, Salem and Wheatland, in the county of Racine, shall constitute an Assembly District.

The towns of Janesville and Bradford, in the county of Rock, shall constitute an Assembly District.

The towns of Beloit, Turtle and Clinton, in the county of Rock, shall constitute an Assembly District.

The towns of Magnolia, Union, Porter and Fulton, in the county of Rock, shall constitute an Assembly District.

The towns of Milton, Lima and Johnstown, in the county of Rock, shall constitute an Assembly District.

The towns of Newark, Rock, Avon, Spring Valley and Center, in the county of Rock, shall constitute an Assembly District. Provided, That if the Legislature shall divide the town of Center, they may attach such part of it to the district lying next north, as they deem expedient.

The county of Sauk shall constitute an Assembly District.

Precincts numbered one, three and seven, in the county of Sheboygan, shall constitute an Assembly District.

Precincts numbered two, four, five and six, in the county of Sheboygan, shall constitute an Assembly District.

The towns of Troy, East Troy and Spring Prairie, in the county of Walworth, shall constitute an Assembly District.

The towns of Whitewater, Richmond and Lagrange, in the county of Walworth, shall constitute an Assembly District.

The towns of Geneva, Hudson and Bloomfield, in the county of Walworth, shall constitute an Assembly District.

The towns of Darien, Sharon, Walworth and Linn, in the county of Walworth, shall constitute an Assembly District.

The towns of Delavan, Sugar Creek, La Fayette and Elkhorn, in the county of Walworth, shall constitute an Assembly District.

The towns of Lisbon, Menomonee and Brookfield, in the county of Waukesha, shall constitute an Assembly District.

The towns of Warren, Oconomowoc, Summit and Ottawa, in the county of Waukesha, shall constitute an Assembly District.

The towns of Delafield, Genesee and Pewaukee, in the county of Waukesha, shall constitute an Assembly District.

The towns of Waukesha and New Berlin, in the county of Waukesha, shall constitute an Assembly District.

The towns of Eagle, Mukwonago, Vernon and Muskego, in the county of Waukesha, shall constitute an Assembly District.

The towns of Port Washington, Fredonia and Clarence, in the county of Washington, shall constitute an Assembly District.

The towns of Grafton and Jackson, in the county of Washington, shall constitute an Assembly District.

The towns of Mequon and Germantown, in the county of Washington, shall constitute an Assembly District.

The towns of Polk, Richfield and Erin, in the county of Washington, shall constitute an Assembly District.

The towns of Hartford, Addison, West Bend and North Bend, in the county of Washington, shall constitute an Assembly District.

The county of Winnebago shall constitute an Assembly District.

The foregoing Districts are subject, however, so far to be altered that when any new town shall be organized, it may be added to either of the adjoining Assembly Districts.[20]

SEC. 13. Such parts of the common law as are now in force in the Territory of Wisconsin, not inconsistent with this Constitution, shall be and continue part of the law of this State until altered or suspended by the Legislature.

SEC. 14. The Senators first elected in the even numbered Senate Districts, the Governor, Lieutenant Governor, and other State officers first elected under this Constitution, shall enter upon the duties of their respective offices on the first Monday of June next, and shall continue in force for one year from the first Monday of January next; the Senators first elected in the odd-numbered Senate districts, and the members of the Assembly, first elected, shall enter

[20] The state is now apportioned by law for the election of senators and assemblymen.

upon their duties respectively on the first Monday of June next, and shall continue in office until the first Monday in January next.

SEC. 15. The oath of office may be administered by any Judge or Justice of the Peace, until the Legislature shall otherwise direct.

RESOLUTIONS

Resolved.—That the Congress of the United [sic] be and is hereby requested, upon the application of Wisconsin for admission into the Union, so to alter the provisions of an act of Congress entitled "an act to grant a quantity of land to the Territory of Wisconsin, for the purpose of aiding in opening a canal to connect the waters of Lake Michigan with those of Rock river," approved June eighteenth, eighteen hundred and thirty-eight, and so to alter the terms and conditions of the grant made therein, that the odd-numbered sections thereby granted and remaining unsold may be held and disposed of by the State of Wisconsin as part of the five hundred thousand acres of land to which said State is entitled by the provisions of an act of Congress entitled "an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one; and further, that the even-numbered sections reserved by Congress, may be offered for sale by the United States for the same minimum price and subject to the same rights of pre-emption as other public lands of the United States.

Resolved.—That Congress be further requested to pass an act whereby the excess price over and above one dollar and twenty-five cents per acre, which may have been paid by the purchasers of said even-numbered sections which shall have been sold by the United States, be refunded to the present owners thereof, or they be allowed to enter any of the public lands of the United States to an amount equal in value to the excess so paid.

Resolved.—That in case the said odd-numbered sections shall be ceded to the State as aforesaid, the same shall be sold by the State in the same manner as other school lands, provided that the same rights of pre-emption as are now granted by the laws of the United States, shall be secured to persons who may be actually settled upon such lands at the time of the adoption of this Constitution; and provided further, that the excess price, over and above one dollar and twenty-five cents per acre, absolutely or conditionally contracted to be paid by the purchasers of any part of said sections which shall have been sold by the Territory of Wisconsin, shall be remitted to such purchasers, their representatives or assigns.

Resolved.—That Congress be requested, upon the application of Wisconsin for admission into the Union, to pass an act whereby the grant of the five hundred thousand acres of land, to which the State of Wisconsin is entitled by the provisions of an Act of Congress entitled "an act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," approved the fourth day of September, eighteen hundred and forty-one, and also the five per centum of the net proceeds _____ of the public lands lying within the State, to which it shall become entitled on its admission into the Union, by the provisions of an Act of Congress entitled "an act to enable the people of Wisconsin Territory to form a Constitution and State government, and for the admission of such State into the Union," approved the sixth day of August, eighteen hundred and forty-six, shall be granted to the State of Wisconsin for the use of schools, instead of the purposes mentioned in the said acts of Congress respectively.

Resolved.—That the Congress of the United States be and hereby is requested, upon the admission of this State into the Union, so to alter the provisions of the Act of Congress entitled "an act to grant a certain quantity of land to aid in the improvement of the Fox and Wisconsin rivers, and to connect the same by a canal in the Territory of Wisconsin," that the price of lands reserved to the United States, shall be reduced to the minimum price of the public lands.

Resolved.—That the Legislature of this State shall make provision by law

for the sale of the lands granted to the State in aid of said improvements, subject to the same rights of pre-emption to the settlers thereon, as are now allowed by law to settlers on the public lands.

Resolved, —That the foregoing resolutions be appended to, and signed with the Constitution of Wisconsin, and submitted therewith to the people of this Territory, and to the Congress of the United States.

We, the undersigned, members of the Convention to form a Constitution for the State of Wisconsin, to be submitted to the people thereof for their ratification or rejection do hereby certify that the foregoing is the Constitution adopted by the Convention.

In testimony whereof, we have hereunto set out hands at Madison, the first day of February, A. D. eighteen hundred and forty-eight.

MORGAN L. MARTIN,
President of the Convention and Delegate from Brown County.
THOS. MCHUGH, *Secretary.*

CONSTITUTION OF WYOMING—1889.*

PREAMBLE.

We, the people of the state of Wyoming, grateful to God for our civil, political and religious liberties, and desiring to secure them to ourselves and perpetuate them to our posterity, do ordain and establish this constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

SEC. 2. In their inherent right to life, liberty and the pursuit of happiness, all members of the human race are equal.

SEC. 3. Since equality in the enjoyment of natural and civil rights is made sure only through political equality, the laws of this state affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex, or any circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

SEC. 4. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by affidavit, particularly describing the place to be searched or the person or thing to be seized.

SEC. 5. No person shall be imprisoned for debt except in cases of fraud.

SEC. 6. No person shall be deprived of life, liberty or property without due process of law.

SEC. 7. Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority.

SEC. 8. All courts shall be open and every person for an injury done to person, reputation or property shall have justice administered without sale, denial or delay. Suits may be brought against the state in such manner and in such courts as the legislature may by law direct.

SEC. 9. The right of trial by jury shall remain inviolate in criminal cases, but a jury in civil cases in all courts, or in criminal cases in courts not of record, may consist of less than twelve men, as may be prescribed by law. Hereafter a grand jury may consist of twelve men, any nine of whom concurring may find an indictment, but the legislature may change, regulate or abolish the grand jury system.

SEC. 10. In all criminal prosecutions the accused shall have the right to defend in person and by counsel, to demand the nature and cause of the accusation, to have a copy thereof, to be confronted with the witnesses against him, to have compulsory process served for obtaining witnesses, and to a speedy trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

SEC. 11. No person shall be compelled to testify against himself in any criminal case, nor shall any person be twice put in jeopardy for the same offense. If the jury disagree, or if the judgment be arrested after a verdict, or if the judgment be reversed for error in law, the accused shall not be deemed to have been in jeopardy.

* The constitution of Wyoming was drafted by a convention which assembled at Cheyenne on Sept. 2, and adjourned on Sept. 30, 1889. It was submitted to the people on Nov. 5, 1889, and ratified. The state was admitted to the Union on July 10, 1890.

SEC. 12. No person shall be detained as a witness in any criminal prosecution longer than may be necessary to take his testimony or deposition, nor be confined in any room where criminals are imprisoned.

SEC. 13. Until otherwise provided by law, no person shall, for a felony, be proceeded against criminally, otherwise than by indictment, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger.

SEC. 14. All persons shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unlawful punishment be inflicted.

SEC. 15. The penal code shall be framed on the humane principles of reformation and prevention.

SEC. 16. No person arrested and confined in jail shall be treated with unnecessary rigor. The erection of safe and comfortable prisons, and inspection of prisons, and the humane treatment of prisoners shall be provided for.

SEC. 17. The privilege of the writ of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 18. The free exercise and enjoyment of religious profession and worship without discrimination or preference shall be forever guaranteed in this state, and no person shall be rendered incompetent to hold any office of trust or profit, or to serve as a witness or juror, because of his opinion on any matter of religious belief whatever; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the state.

SEC. 19. No money of the state shall ever be given or appropriated to any sectarian or religious society or institution.

SEC. 20. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right; and in trials for libel, both civil and criminal, the truth, when published with good intent and for justifiable ends, shall be a sufficient defense, the jury having the right to determine the facts and the law, under direction of the court.

SEC. 21. The right of petition, and of the people peaceably to assemble to consult for the common good, and to make known their opinions, shall never be denied or abridged.

SEC. 22. The rights of labor shall have just protection through laws calculated to secure to the laborer proper rewards for his service and to promote the industrial welfare of the state.

SEC. 23. The right of citizens to opportunities for education should have practical recognition. The legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.

SEC. 24. The right of citizens to bear arms in defense of themselves and of the state shall not be denied.

SEC. 25. The military shall ever be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house without consent of the owner, nor in time of war except in the manner prescribed by law.

SEC. 26. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court; nor shall any person be attainted of treason by the legislature.

SEC. 27. Elections shall be open, free and equal, and no power, civil or military, shall at any time interfere to prevent an unframmeled exercise of the right of suffrage.

SEC. 28. No tax shall be imposed without the consent of the people or their authorized representatives. All taxation shall be equal and uniform.

SEC. 29. No distinction shall ever be made by law between resident aliens and citizens as to the possession, taxation, enjoyment and descent of property.

SEC. 30. Perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed. Corporations being creatures of the state,

endowed for the public good with a portion of its sovereign powers, must be subject to its control.

SEC. 31. Water being essential to industrial prosperity, of limited amount, and easy of diversion from its natural channels, its control must be in the state, which, in providing for its use, shall equally guard all the various interests involved.

SEC. 32. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic or sanitary purposes, nor in any case without due compensation.

SEC. 33. Private property shall not be taken or damaged for public or private use without just compensation.

SEC. 34. All laws of a general nature shall have a uniform operation.

SEC. 35. No ex post facto law, nor any law impairing the obligation of contracts, shall ever be made.

SEC. 36. The enumeration in this constitution, of certain rights shall not be construed to deny, impair, or disparage others retained by the people.

SEC. 37. The state of Wyoming is an inseparable part of the Federal Union, and the constitution of the United States is the supreme law of the land.

ARTICLE II.[1]

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this state are divided into three distinct departments: the legislative, executive and judicial, and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any powers properly belonging to either of the others, except as in this constitution expressly directed or permitted.

ARTICLE III.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power shall be vested in a senate and house of representatives, which shall be designated "The Legislature of the State of Wyoming."

SEC. 2. Senators shall be elected for the term of four (4) years and representatives for the term of two (2) years. The senators elected at the first election shall be divided by lot into two classes as nearly equal as may be. The seats of senators of the first class shall be vacated at the expiration of the first two years, and of the second class at the expiration of four years. No person shall be a senator who has not attained the age of twenty-five years, or a representative who has not attained the age of twenty-one years, and who is not a citizen of the United States and of this state and who has not, for at least twelve months next preceding his election resided within the county or district in which he was elected.

SEC. 3. Each county shall constitute a senatorial and representative district; the senate and house of representatives shall be composed of members elected by the legal voters of the counties respectively, every two (2) years. They shall be apportioned among the said counties as nearly as may be according to the number of their inhabitants. Each county shall have at least one senator and one representative; but at no time shall the number of members of the house of representatives be less than twice nor greater than three times the number of members of the senate. The senate and house of representatives first elected in pursuance of this constitution shall consist of sixteen and thirty-three members respectively.

SEC. 4. When vacancies occur in either house by death, resignation or otherwise, such vacancy shall be filled for the remainder of the term by special election, to be called in such manner as may be prescribed by law.

[1] See Note No. 7.

SEC. 5. Members of the senate and house of representatives shall be elected on the day provided by law for the general election of a member of congress, and their term of office shall begin on the first Monday in January thereafter.

SEC. 6. Each member of the first legislature, as a compensation for his services, shall receive five dollars for each day's attendance, and fifteen cents for each mile traveled in going to and returning from the seat of government to his residence by the usual traveled route, and shall receive no other compensation, perquisite or allowance whatever. No session of the legislature after the first, which may be sixty days, shall exceed forty days. After the first session the compensation of the members of the legislature shall be as provided by law; but no legislature shall fix its own compensation.

SEC. 7. The legislature shall meet at the seat of government at twelve o'clock, noon, on the second Tuesday of January, next succeeding the general election provided by law, and at twelve o'clock, noon, on the second Tuesday of January of each alternate year thereafter, and at other times when convened by the governor.

SEC. 8. No senator or representative shall, during the term for which he was elected, be appointed to any civil office under the state, and no member of congress or other person holding an office (except that of notary public or an office in the militia) under the United States or this state, shall be a member of either house during his continuance in office.

SEC. 9. No member of either house shall, during the term for which he was elected, receive any increase of salary or mileage under any law passed during that term.

SEC. 10. The senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members president; the house of representatives shall elect one of its members speaker; each house shall choose its own officers, and shall judge of the election returns and qualifications of its members.

SEC. 11. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

SEC. 12. Each house shall have power to determine the rules of its proceedings, and to punish its members or other persons for contempt or disorderly behavior in its presence; to protect its members against violence or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, and shall have all other powers necessary to the legislature of a free state. A member expelled for corruption shall not thereafter be eligible to either house of the legislature, and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same offense.

SEC. 13. Each house shall keep a journal of its proceedings and may, in its discretion, from time to time, publish the same, except such parts as require secrecy, and the yeas and nays on any question shall, at the request of two members, be entered on the journal.

SEC. 14. The sessions of each house and of the committee of the whole shall be open unless the business is such as requires secrecy.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 16. The members of the legislature shall, in all cases, except treason, felony, violation of their oath of office and breach of the peace, be privileged from arrest during their attendance at the sessions of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

SEC. 17. The sole power of impeachment shall vest in the house of representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be tried by the senate sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor is on trial, the

chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

SEC. 18. The governor and other state and judicial officers except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the state. The party, whether convicted or acquitted, shall nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

SEC. 19. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

SEC. 20. No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

SEC. 21. The enacting clause of every law shall be as follows: "Be it Enacted by the Legislature of the State of Wyoming."

SEC. 22. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within five (5) days of the close of the session, except by unanimous consent of the house in which it is sought to be introduced.

SEC. 23. No bill shall be considered or become a law unless referred to a committee, returned therefrom and printed for the use of the members.

SEC. 24. No bill, except general appropriation bills and bills for the codification and general revision of the laws, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject is embraced in any act which is not expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

SEC. 25. No bill shall become a law, except by a vote of a majority of all the members elected to each house, nor unless on its final passage the vote taken by ayes and noes, and the names of those voting be entered on the journal.

SEC. 26. No law shall be revised or amended, or the provisions thereof extended by reference to its title only, but so much thereof as is revised, amended or extended, shall be re-enacted and published at length.

SEC. 27. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering or working roads or highways; vacating roads, town plats, streets, alleys or public grounds; locating or changing county seats; regulating county or township affairs; incorporation of cities, towns or villages; or changing or amending the charters of any cities, towns or villages; regulating the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace, police magistrates or constables; changing the rules of evidence in any trial or inquiry; providing for changes of venue in civil or criminal cases; declaring any person of age; for limitation of civil actions; giving effect to any informal or invalid deeds; summoning or impaneling grand or petit juries; provided for the management of common schools; regulating the rate of interest on money; the opening or conducting of any election or designating the place of voting; the sale or mortgage of real estate belonging to minors or others under disability; chartering or licensing ferries or bridges or toll roads; chartering banks, insurance companies and loan and trust companies; remitting fines, penalties or forfeitures; creating, increasing, or decreasing fees, percentages or allowances of public officers; changing the law of descent; granting to any corporation, association or individual, the right to lay down railroad tracks, or any special or exclusive privilege, immunity or franchise whatever, or amending existing charter for such purpose; for punishment of crimes; changing the names of persons or places; for the assessment or collection of taxes; affecting estates of deceased persons, minors or others under legal disabilities; extending the time for the collection of taxes; refunding money paid into the state treasury; relinquishing or extinguishing, in whole or part, the in-

debtedness, liabilities or obligation of any corporation or person to this state or to any municipal corporation therein; exempting property from taxation; restoring to citizenship persons convicted of infamous crimes; authorizing the creation, extension or impairing of liens; creating offices or prescribing the powers or duties of offices in counties, cities, townships or school districts; or authorizing the adoption or legitimation of children. In all other cases where a general law can be made applicable no special law shall be enacted.

SEC. 28. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature immediately after their titles have been publicly read, and the fact of signing shall be at once entered upon the journal.

SEC. 29. The legislature shall prescribe by law the number, duties and compensation of the officers and employees of each house, and no payment shall be made from the state treasury, or be in any way authorized to any such person except to an acting officer or employee elected or appointed in pursuance of law.

SEC. 30. No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services are rendered or contract made.

SEC. 31. All stationery, printing, paper, fuel and lights used in the legislature and other departments of government, shall be furnished, and the printing and binding of the laws, journals and department reports and other printing and binding, and the repairing and furnishing of the halls and rooms used for the meeting of the legislature and its committees shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as may be prescribed by law. No member or officer of any department of the government shall be in any way interested in any such contract; and all such contracts shall be subject to the approval of the governor and state treasurer.

SEC. 32. Except as otherwise provided in this constitution, no law shall extend the term of any public officer or increase or diminish his salary or emolument after his election or appointment; but this shall not be construed to forbid the legislature from fixing the salaries or emoluments of those officers first elected or appointed under this constitution, if such salaries or emoluments are not fixed by its provisions.

SEC. 33. All bills for raising revenue shall originate in the house of representatives; but the senate may propose amendments, as in case of other bills.

SEC. 34. The general appropriation bills shall embrace nothing but appropriations for the ordinary expenses of the legislative, executive and judicial departments of the state, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

SEC. 35. Except for interest on public debt, money shall be paid out of the treasury only on appropriations made by the legislature, and in no case otherwise than upon warrant drawn by the proper officer in pursuance of law.

SEC. 36. No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

SEC. 37. The legislature shall not delegate to any special commissioner, private corporation or association, any power to make, supervise or interfere with any municipal improvements, moneys, property or effects, whether held in trust or otherwise, to levy taxes, or to perform any municipal functions whatever.

SEC. 38. No act of the legislature shall authorize the investment of trust funds by executors, administrators, guardians or trustees, in the bonds or stock of any private corporation.

SEC. 39. The legislature shall have no power to pass any law authoriz-

ing the state or any county in the state to contract any debt or obligation in the construction of any railroad, or give or loan its credit to or in aid of the construction of the same.

SEC. 40. No obligation or liability of any person, association or corporation, held or owned by the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way diminished by the legislature; nor shall such liability or obligation be extinguished, except by the payment thereof into the proper treasury.

SEC. 41. Every order, revolution or vote, in which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of the business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, be repassed by two-thirds of both houses as prescribed in the case of a bill.

SEC. 42. If any person elected to either house of the legislature shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or to be introduced into the legislature, in consideration or upon condition that any other person elected to the same legislature will give, or promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced into such legislature, the person making such offer or promise shall be deemed guilty of solicitation of bribery. If any member of the legislature shall give his vote or influence for or against any measure or proposition pending or to be introduced in such legislature, or offer, promise or assent thereto, upon condition that any other member will give or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or to be introduced in such legislature, or in consideration that any other member has given his vote or influence for or against any other measure or proposition in such legislature, he shall be deemed guilty of bribery, and any member of the legislature, or person elected thereto, who shall be guilty of either of such offenses, shall be expelled and shall not thereafter be eligible to the legislature, and on conviction thereof in the civil courts shall be liable to such further penalty as may be prescribed by law.

SEC. 43. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the legislature, to influence him in the performance of any of his official duties shall be deemed guilty of bribery, and be punished in such manner as shall be provided by law.

SEC. 44. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offenses aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this state.

SEC. 45. The offense of corrupt solicitation of members of the legislature or of public officers of the state, or of any municipal division thereof, and the occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law and shall be punishable by fine and imprisonment.

SEC. 46. A member who has a personal or private interest in any measure or bill proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon.

APPORTIONMENT.

SECTION 1. One representative in the congress of the United States shall be elected from the state at large, the Tuesday next after the first Monday

in November, 1890, and thereafter at such times and places, and in such manner as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts accordingly.

SEC. 2. The legislature shall provide by law for an enumeration of the inhabitants of the state in the year 1895, and every tenth year thereafter, and at the session next following such enumeration, and also at the session next following an enumeration made by the authority of the United States, shall revise and adjust the apportionment for senators and representatives, on a basis of such enumeration according to ratios to be fixed by law.

SEC. 3. Representative districts may be altered from time to time as public convenience may require. When a representative district shall be composed of two or more counties, they shall be contiguous, and the districts as compact as may be. No county shall be divided in the formation of representative districts.

SEC. 4. Until an apportionment of senators and representatives as otherwise provided by law, they shall be divided among the several counties of the state in the following manner:

Albany county, two senators and five representatives.
Carbon county, two senators and five representatives.
Converse county, one senator and three representatives.
Crook county, one senator and two representatives.
Fremont county, one senator and two representatives.
Laramie county, three senators and six representatives.
Johnson county, one senator and two representatives.
Sheridan county, one senator and two representatives.
Sweetwater county, two senators and three representatives.
Uinta county, two senators and three representatives.

ARTICLE IV.

EXECUTIVE DEPARTMENT.

SECTION 1. The executive power shall be vested in a governor, who shall hold his office for the term of four (4) years and until his successor is elected and duly qualified.

SEC. 2. No person shall be eligible to the office of governor unless he be a citizen of the United States and a qualified elector of the state, who had attained the age of thirty years, and who has resided five years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he was elected.

SEC. 3. The governor shall be elected by the qualified electors of the state at the time and place of choosing members of the legislature. The person having the highest number of votes for governor shall be declared elected, but if two or more shall have an equal and highest number of votes for governor, the two houses of the legislature at its next regular session shall forthwith, by joint ballot, choose one of such persons for said office. The returns of the election for governor shall be made in such manner as shall be prescribed by law.

SEC. 4. The governor shall be commander-in-chief of the military forces of the state, except when they are called into the service of the United States, and may call out the same to execute the laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall at the commencement of each session communicate to the legislature by message, information of the condition of the state, and recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature and shall take care that the laws be faithfully executed.

SEC. 5. The governor shall have power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislature may by law regu-

late the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the legislature at its next regular session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. He shall communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation or pardon granted by him, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of the remission, communication, pardon or reprieve with his reasons for granting the same.

SEC. 6. If the governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the state, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

SEC. 7. When any office from any cause becomes vacant, and no mode is provided by the constitution or law for filling such vacancy, the governor shall have the power to fill the same by appointment.

SEC. 8. Every bill which has passed the legislature shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members elected, it shall become a law; but in all such cases the vote of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill is not returned by the governor within three days (Sundays excepted) after its presentation to him, the same shall be a law, unless the legislature by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same with his objections in the office of the secretary of state within fifteen days after such adjournment.

SEC. 9. The governor shall have power to disapprove of any item or items or part or parts of any bill making appropriations of money or property embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items and part or parts disapproved shall be void unless enacted in the following manner: If the legislature be in session he shall transmit to the house in which the bill originated a copy of the item or items or part or parts thereof disapproved, together with his objections thereto, and the items or parts objected to shall be separately reconsidered, and each item or part shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 10. Any governor of this state who asks, receives or agrees to receive any bribe upon any understanding that his official opinion, judgment or action shall be influenced thereby, or who gives or offers, or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he is required to act in his official capacity, or who menaces any member by the threatened use of his veto power, or who offers or promises any member that he, the governor, will appoint any particular person or persons to any office created or thereafter to be created, in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature; or who threatens any member that he, the governor, will remove any person or persons from office or position with intent in any manner to influence the action of said member shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in this state.

SEC. 11. There shall be chosen by the qualified electors of the state at the times and places of choosing members of the legislature, a secretary of

state, auditor, treasurer, and superintendent of public instruction, who shall have attained the age of twenty-five years respectively, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government, for the term of four (4) years and until their successors are elected and duly qualified, but no person shall be eligible for the office of treasurer for four (4) years after the expiration of the term for which he was elected. The legislature may provide for such other state officers as are deemed necessary.

SEC. 12. The powers and duties of the secretary of state, of state auditor, treasurer and superintendent of public instruction shall be as prescribed by law.

SEC. 13. Until otherwise provided by law, the governor shall receive an annual salary of two thousand five hundred dollars, the secretary of state, state auditor, state treasurer and superintendent of public instruction shall each receive an annual salary of two thousand dollars, and the salaries of any of the said officers shall not be increased or diminished during the period for which they were elected, and all fees and profits arising from any of the said offices shall be covered into the state treasury.

SEC. 14. The legislature shall provide for a state examiner, who shall be appointed by the governor and confirmed by the senate. His duty shall be to examine the accounts of state treasurer, supreme court clerks, district court clerks, and all county treasurers, and treasurers of such other institutions as the law may require, and shall perform such duties as the legislature may prescribe. He shall report at least once a year, and oftener if required, to such officers as are designated by the legislature. His compensation shall be fixed by law.

SEC. 15. There shall be a seal of state which shall be called the "Great Seal of the State of Wyoming"; it shall be kept by the secretary of state and used by him officially as directed by law.

The seal of the Territory of Wyoming as now used shall be the seal of the state until otherwise provided by law.

ARTICLE V.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the state shall be vested in the senate, sitting as a court of impeachment, in a supreme court, district courts, justices of the peace, courts of arbitration and such courts as the legislature may, by general law, establish for incorporated cities or incorporated towns.

SEC. 2. The supreme court shall have general appellate jurisdiction, coextensive with the state, in both civil and criminal causes, and shall have a general superintending control over all inferior courts, under such rules and regulations as may be prescribed by law.

SEC. 3. The supreme court shall have original jurisdiction in quo warranto and mandamus as to all state officers, and in habeas corpus. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari, and other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of a person held in actual custody, and may make such writs returnable before himself or before the supreme court, or before any district court of the state or any judge thereof.

SEC. 4. The supreme court of the state shall consist of three justices who shall be elected by the qualified electors of the state at a general state election at the times and places at which state officers are elected; and their term of office shall be eight (8) years, commencing from and after the first Monday in January next succeeding their election; and the justices elected at the first election after this constitution shall go into effect shall, at their first meeting provided by law, so classify themselves by lot that one of them shall go out of office at the end of four (4) years, and one at the end of six (6) years, and one at the end of eight (8) years from the commencement of their

term, and an entry of such classification shall be made in the record of the court and signed by them, and a duplicate thereof shall be filed in the office of the secretary of state. The justice having the shortest term to serve and not holding his office by appointment or election to fill a vacancy, shall be the chief justice and shall preside at all terms of the supreme court, and, in case of his absence, the justice having in like manner the next shortest term to serve, shall preside in his stead. If a vacancy occur in the office of a justice of the supreme court, the governor shall appoint a person to hold the office until the election and qualification of a person to fill the unexpired term occasioned by such vacancy, which election shall take place at the next succeeding general election. The first election of the justices shall be at the first general election after this constitution shall go into effect.

SEC. 5. A majority of the justices of the supreme court shall be necessary to constitute a quorum for the transaction of business.

SEC. 6. In case a judge of the supreme court shall be in any way interested in a cause brought before such court, the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause.

SEC. 7. At least two terms of the supreme court shall be held annually at the seat of government at such times as may be provided by law.

SEC. 8. No person shall be eligible to the office of justice of the supreme court unless he be learned in the law, have been in actual practice at least nine (9) years, or whose service on the bench of any court of record, when added to the time he may have practiced law, shall be equal to nine (9) years, be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in this state or territory at least three years.

SEC. 9. There shall be a clerk of the supreme court who shall be appointed by the justices of said court and shall hold his office during their pleasure, and whose duties and emoluments shall be as provided by law.

SEC. 10. The district court shall have original jurisdiction of all causes at law and in equity and in all criminal cases, of all matters of probate and insolvency and of such special cases and proceedings as are not otherwise provided for. The district court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, injunction and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective districts.

SEC. 11. The judges of the district courts may hold courts for each other and shall do so when required by law.

SEC. 12. No person shall be eligible to the office of judge of the district court unless he be learned in the law, be at least twenty-eight years of age, and a citizen of the United States, nor unless he shall have resided in the state or territory of Wyoming at least two years next preceding his election.

SEC. 13. There shall be a clerk of the district court in each organized county in which a court is holden who shall be elected, or, in case of vacancy, appointed in such manner and with such duties and compensation as may be prescribed by law.

SEC. 14. The legislature shall provide by law for the appointment by the several district courts of one or more district court commissioners (who shall be persons learned in the law) in each organized county in which a district court is holden, such commissioners shall have authority to perform such chamber business in the absence of the district judge from the county or upon his written statement filed with the papers, that it is improper for him to act, as may be prescribed by law, to take depositions and perform such other duties, and receive such compensation as shall be prescribed by law.

SEC. 15. The style of all process shall be "The State of Wyoming." All

prosecutions shall be carried on in the name and by the authority of the State of Wyoming, and conclude "against the peace and dignity of the State of Wyoming."

SEC. 16. No duties shall be imposed by law upon the supreme court or any of the judges thereof, except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided.

SEC. 17. The judges of the supreme and district courts shall receive such compensation for their services as may be prescribed by law, which compensation shall not be increased or diminished during the term for which a judge shall have been elected, and the salary of a judge of the supreme or district court shall be as may be prescribed by law.

SEC. 18. Writs of error and appeals may be allowed from the decisions of the district courts to the supreme courts under such regulations as may be prescribed by law.

SEC. 19. Until otherwise provided by law, the state shall be divided into three judicial districts, in each of which there shall be elected at general elections, by the electors thereof, one judge of the district court therein, whose term shall be six (6) years from the first Monday in January succeeding his election and until his successor is duly qualified.

SEC. 20. Until otherwise provided by law, said judicial districts shall be constituted as follows:

District number one shall consist of the counties of Laramie, Converse and Crook.

District number two shall consist of the counties of Albany, Johnson and Sheridan.

District number three shall consist of the counties of Carbon, Sweetwater, Uinta and Fremont.

SEC. 21. The legislature may from time to time increase the number of said judicial districts and the judges thereof, but such increase or change in the boundaries of the district shall not work the removal of any judge from his office during the term for which he may have been elected or appointed; provided the number of districts and district judges shall not exceed four until the taxable valuation of property in the state shall exceed one hundred million dollars ($100,000,000).

SEC. 22. The legislature shall provide by law for the election of justices of the peace in each organized county within the state. But the number of said justices to be elected in each organized county shall be limited by law to such number as shall be necessary for the proper administration of justice. The justices of the peace herein provided for shall have concurrent jurisdiction with the district court in all civil actions where the amount in controversy, exclusive of costs, does not exceed two hundred dollars, and they shall have such jurisdiction to hear and determine cases of misdemeanor as may be provided by law, but in no case shall said justices of the peace have jurisdiction when the boundaries of or title to real estate shall come into question.

SEC. 23. Appeals shall lie from the final decisions of justices of the peace and police magistrates in such cases and pursuant to such regulations as may be prescribed by law.

SEC. 24. The time of holding courts in the several counties of a district shall be as prescribed by law, and the legislature shall make provisions for attaching unorganized counties or territory to organized counties for judicial purposes.

SEC. 25. No judge of the supreme or district court shall act as attorney or counsellor at law.

SEC. 26. Until the legislature shall provide by law for fixing the terms of courts, the judges of the supreme court and district courts shall fix the terms thereof.

SEC. 27. No judge of the supreme or district court shall be elected or appointed to any other than judicial offices or be eligible thereto during the term for which he was elected or appointed such judge.

SEC. 28. Appeals from decisions of compulsory boards of arbitration shall

be allowed to the supreme court of the state, and the manner of taking such appeals shall be prescribed by law.[2]

ARTICLE VI.

SUFFRAGE.

SECTION 1. The rights of citizens of the state of Wyoming to vote and hold office shall not be denied or abridged on account of sex. Both male and female citizens of this state shall equally enjoy all civil, political and religious rights and privileges.

SEC. 2. Every citizen of the United States of the age of twenty-one years and upwards, who has resided in the state or territory one year and in the county wherein such residence is located sixty days next preceding any election, shall be entitled to vote at such election, except as herein otherwise provided.

SEC. 3. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election during their attendance at elections, and going to and returning therefrom.

SEC. 4. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

SEC. 5. No person shall be deemed a qualified elector of this state, unless such person be a citizen of the United States.

SEC. 6. All idiots, insane persons, and persons convicted of infamous crimes, unless restored to civil rights, are excluded from the elective franchise.

SEC. 7. No elector shall be deemed to have lost his residence in the state, by reason of absence on business of the United States, or of this state, or in the military or naval service of the United States.

SEC. 8. No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

SEC. 9. No person shall have the right to vote who shall not be able to read the constitution of this state. The provisions of this section shall not apply to any person prevented by physical disability from complying with its requirements.

SEC. 10. Nothing herein contained shall be construed to deprive any person of the right to vote who has such right at the time of the adoption of this constitution, unless disqualified by the restrictions of section six of this article. After the expiration of five years from the time of the adoption of this constitution, none but citizens of the United States shall have the right to vote.

SEC. 11. All elections shall be by ballot. The legislature shall provide by law that the names of all candidates for the same office, to be voted for at any election, shall be printed on the same ballot, at public expense, and on election day to be delivered to the voters within the polling place by sworn public officials, and only such ballots so delivered shall be received and counted. But no voter shall be deprived of the privilege of writing upon the ballot used the name of any other candidate. All voters shall be guaranteed absolute privacy in the preparation of their ballots, and the secrecy of the ballot shall be made compulsory.

SEC. 12. No person qualified to be an elector of the state of Wyoming, shall be allowed to vote at any general or special election hereafter to be holden in the state, until he or she shall have registered as a voter according to law, unless the failure to register is caused by sickness or absence, for which provision shall be made by law. The legislature of the state shall enact such laws as will carry into effect the provisions of this section, which

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[2] The revision committee of the constitution recommended that the sections entitled "Boards of Arbitration" and "Arbitration" which occur in Article XIX, entitled "Miscellaneous," be transferred to this article (V), and be added thereto and numbered Sections 28 and 29, respectively, and that this section (28) be renumbered Section 30.

nactment shall be subject to amendment, but shall never be repealed; but his section shall not apply to the first election held under this constitution.

ELECTIONS.[3]

SECTION 1. The legislature shall pass laws to secure the purity of elections, and guard against abuses of the elective franchise.

SEC. 2. The legislature shall, by general law, designate the courts by which the several classes of election contests not otherwise provided for, shall be tried, and regulate the manner of trial and all matters incidental thereto; but no such law shall apply to any contest arising out of an election held before its passage.

SEC. 3. No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

SEC. 4. Every person holding any civil office under the state or any municipality therein shall, unless removed according to law, exercise the duties of such office until his successor is duly qualified, but this shall not apply to members of the legislature, nor to members of any board of assembly, two or more of whom are elected at the same time. The legislature may by law provide for suspending any officer in his functions, pending impeachment or prosecution for misconduct in office.

SEC. 5. All general elections for state and county officers, for members of the house of representatives and the senate of the state of Wyoming, and representatives to the congress of the United States, shall be held on the Tuesday following the first Monday in November of each even year. Special elections may be held as now, or as may hereafter be provided by law. All state and county officers elected at a general election shall enter upon their respective duties on the first Monday in January next following the date of their election, or as soon thereafter as may be possible.

SEC. 6. All officers, whose election is not provided for in this constitution, shall be elected or appointed as may be directed by law.

SEC. 7. No member of congress from this state, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this state to which a salary, fees or perquisites shall be attached. The legislature may by law declare what offices are incompatible.

SEC. 8. Senators and representatives and all judicial, state and county officers shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States, and the constitution of this state, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election (or appointment) except for necessary and proper expenses expressly authorized by law; that I have not, knowingly, violated any election law of the state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law."

SEC. 9. The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of state officers and judges of the supreme court shall be filed in the office of the secretary of state, and in the case of other judicial and county officers in the office of the clerk of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office, and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from

[3] In previous publications, the sections under the heading "Elections" were numbered from 13 to 21; this numbering, according to a statement by Wm. R. Schnitger, secretary of state in 1908, is erroneous, and the sections should be numbered from 1 to 9, as given here.

holding any office of trust or profit within this state. The oath to member of the senate and house of representatives shall be administered by one o the judges of the supreme court or a justice of the peace, in the hall o the house to which the members shall be elected.

ARTICLE VII.

EDUCATION.

SECTION 1. The legislature shall provide for the establishment and mai tenance of a complete and uniform system of public instruction, embracin free elementary schools of every needed kind and grade, a university wit such technical and professional departments as the public good may requir and the means of the state allow, and such other institutions as may b necessary.

SEC. 2. The following are declared to be perpetual funds for school pu poses, of which the annual income only can be appropriated, to-wit: Suc per centum as has been or may hereafter be granted by congress on the sa of lands in this state; all moneys arising from the sale or lease of sectio number sixteen and thirty-six in each township in the state, and the land selected or that may be selected in lieu thereof; the proceeds of all land that have been or may hereafter be granted to this state, where by th terms and conditions of the grant, the same are not to be otherwise appr priated; the net proceeds of lands and other property and effects that ma come to the state by escheat or forfeiture, or from unclaimed dividends distributive shares of the estates of deceased persons; all moneys, stock bonds, lands and other property now belonging to the common school fun

SEC. 3. To the sources of revenue above mentioned shall be added a other grants, gifts and devises that have been or may hereafter be made this state and not otherwise appropriated by the terms of the grant, gift devise.

SEC. 4. All moneys, stocks, bonds, lands and other property belonging a county school fund, except such moneys and property as may be provide by law for current use in aid of public schools, shall belong to and be secure invested and sacredly preserved in the several counties as a county pub school fund, the income of which shall be appropriated exclusively to t use and support of free public schools in the several counties of the state.

SEC. 5. All fines and penalties under general laws of the state sh belong to the public school fund of the respective counties and be paid ov to the custodians of such funds for the current support of the public scho therein.

SEC. 6. All funds belonging to the state for public school purposes, t interest and income of which only are to be used, shall be deemed trust fun in the care of the state, which shall keep them for the exclusive bene of the public schools, and shall make good any losses that may in a manner occur, so that the same shall remain forever inviolate and un minished. None of such funds shall ever be invested or loaned except the bonds issued by school districts, or county bonds of the state, or st securities of this state, or of the United States, or on first mortgages on fa lands or such other securities as may be authorized by law.[4]

SEC. 7. The income arising from the funds mentioned in the preced section, together with all the rents of the unsold school lands and such ot means as the legislature may provide, shall be exclusively applied to support of free schools in every county in the state.

SEC. 8. Provision shall be made by general law for the equitable dis bution of such income among the several counties according to the num of children of school age in each; which several counties shall in like m ner distribute the proportion of said fund by them received respectively the several school districts embraced therein. But no appropriation sh

[4] Amendment proposed by the legislature of 1915, ratified on Nov. 7, 1916, in f Dec. 22, 1916.

e made from said fund to any district for the year in which a school has ot been maintained for at least three months; nor shall any portion of ny public school fund ever be used to support or assist any private school, r any school, academy, seminary, college or other institution of learning ontrolled by any church or sectarian organization or religious denomination vhatsoever.

SEC. 9. The legislature shall make such further provision by taxation r otherwise, as with the income arising from the general school fund will reate and maintain a thorough and efficient system of public schools, adequate o the proper instruction of all the youth of the state, between the ages f six and twenty-one years, free of charge; and in view of such provision o made, the legislature shall require that every child of sufficient physical nd mental ability shall attend a public school during the period between ix and eighteen years for a time equivalent to three years, unless educated y other means.

SEC. 10. In none of the public schools so established and maintained hall distinction or discrimination be made on account of sex, race or color.

SEC. 11. Neither the legislature nor the superintendent of public instruc- ion shall have power to prescribe text books to be used in the public schools.

SEC. 12. No sectarian instruction, qualifications or tests shall be imposed, xacted, applied or in any manner tolerated in the schools of any grade or haracter controlled by the state, nor shall attendance be required at any eligious service therein, nor shall any sectarian tenets or doctrines be taught r favored in any public school or institution that may be established under his constitution.

SEC. 13. The governor, secretary of state, state treasurer and superin- endent of public instruction shall constitute the board of land commissioners, hich, under direction of the legislature, as limited by this constitution, shall ave direction, control, leasing and disposal of the lands of the state granted, r which may be hereafter granted for the support and benefit of public chools, subject to the further limitation that the sale of all lands shall e at public auction, after such delay (not less than the time fixed by con- ress) in portions at proper intervals of time, and at such minimum prices not less than the minimum fixed by congress) as to realize the largest ossible proceeds.[5]

SEC. 14. The general supervision of the public schools shall be entrusted the state superintendent of public instruction, whose powers and duties all be prescribed by law.

THE UNIVERSITY.

SECTION 15. The establishment of the University of Wyoming is hereby nfirmed, and said institution, with its several departments, is hereby de- ared to be the University of the State of Wyoming. All lands which have en heretofore granted or which may be granted hereafter by congress unto e university as such, or in aid of the instruction to be given in any of its partments, with all other grants, donations, or devises for said univer- y, or for any of its departments, shall vest in said university, and be clusively used for the purposes for which they were granted, donated or vised. The said lands may be leased on terms approved by the land com- ssioners, but may not be sold on terms not approved by congress.

SEC. 16. The university shall be equally open to students of both sexes, espective of race or color; and, in order that the instruction furnished may as nearly free as possible, any amount in addition to the income from grants of lands and other sources above mentioned, necessary to its sup- t and maintenance in a condition of full efficiency shall be raised by taxa- n or otherwise, under provisions of the legislature.

SEC. 17. The legislature shall provide by law for the management of university, its lands and other property by a board of trustees, consist- of not less than seven members, to be appointed by the governor by

[5] The revision committee recommended that Section 13 be omitted, as it is identical substance with Section 3, Article XVIII, entitled "Public Lands and Donations."

and with the advice and consent of the senate, and the president of the university, and the superintendent of public instruction, as members ex-officio, as such having the right to speak, but not to vote. The duties and powers of the trustees shall be prescribed by law.

CHARITABLE AND PENAL INSTITUTIONS

SEC. 18. Such charitable, reformatory and penal institutions as the claims of humanity and the public good may require, shall be established and supported by the state in such manner as the legislature may prescribe. They shall be under the general supervision of a state board of charities and reform, whose duties and powers shall be prescribed by law.

SEC. 19. The property of all charitable and penal institutions belonging to the Territory of Wyoming shall, upon the adoption of this constitution, become the property of the state of Wyoming, and such of said institutions as are then in actual operation, shall thereafter have the supervision of the board of charities and reform as provided in the last preceding section of this article, under provisions of the legislature.

PUBLIC HEALTH AND MORALS.

SEC. 20. As the health and morality of the people are essential to their well-being, and to the peace and permanence of the state, it shall be the duty of the legislature to protect and promote these vital interests by such measures for the encouragement of temperance and virtue, and such restrictions upon vice and immorality of every sort, as are deemed necessary to the public welfare.

PUBLIC BUILDINGS.

SEC. 21. All public buildings and other property, belonging to the territory shall, upon the adoption of this constitution, become the property of the state of Wyoming.

SEC. 22. The construction, care and preservation of all public buildings of the state not under the control of the board of officers of public institutions by authority of law shall be entrusted to such officers or boards, and under such regulations as shall be prescribed by law.

SEC. 23. The legislature shall have no power to change or to locate the seat of government, the state university, insane asylum, or state penitentiary, but may after the expiration of ten (10) years after the adoption of this constitution, provide by law for submitting the question of the permanent locations thereof, respectively, to the qualified electors of the state, at some general election, and a majority of all votes upon said question cast at said election, shall be necessary to determine the location thereof; but for said period of ten (10) years, and until the same are respectively and permanently located, as herein provided, the location of the seat of government and said institutions shall be as follows:

The seat of government shall be located at the City of Cheyenne, in the county of Laramie. The state university shall be located at the City of Laramie, in the county of Albany. The insane asylum shall be located at the town of Evanston, in the county of Uinta. The penitentiary shall be located at the City of Rawlins, in the county of Carbon; but the legislature may provide by law that said penitentiary may be converted to other public uses. The legislature shall not locate any other public institutions except under general laws, and by vote of the people.

ARTICLE VIII.

IRRIGATION AND WATER RIGHTS.

SECTION 1. The water of all natural streams, springs, lakes or other collections of still water, within the boundaries of the state, are hereby declared to be the property of the state.

SEC. 2. There shall be constituted a board of control, to be composed the state engineer and superintendents of the water divisions; which shall, nder such regulations as may be prescribed by law, have the supervision the waters of the state and of their appropriation, distribution and di- rsion, and of the various officers connected therewith. Its decisions to subject to review by the courts of the state.

SEC. 3. Priority of appropriation for beneficial uses shall give the better ght. No appropriation shall be denied except when such denial is demanded the public interests.

SEC. 4. The legislature shall by law divide the state into four (4) water visions, and provide for the appointment of superintendents thereof.

SEC. 5. There shall be a state engineer who shall be appointed by the vernor of the state and confirmed by the senate; he shall hold his office r the term of six (6) years, or until his successor shall have been ap- inted and shall have qualified. He shall be president of the board of con- ol, and shall have general supervision of the waters of the state and of e officers connected with its distribution. No person shall be appointed to is position who has not such theoretical knowledge and such practical ex- rience and skill as shall fit him for the position.

ARTICLE IX.

MINES AND MINING.

SECTION 1. There shall be established and maintained the office of inspec- of mines, the duties and salary of which shall be prescribed by law. hen said office shall be established, the governor shall, with the advice and nsent of the senate, appoint thereto a person proven in the manner pro- ded by law to be competent and practical, whose term of office shall be two ars.

SEC. 2. The legislature shall provide by law for the proper development, ntilation, drainage and operation of all mines in this state.

SEC. 3. No boy under the age of fourteen years and no woman or girl any age shall be employed or permitted to be in or about any coal, iron other dangerous mines for the purpose of employment therein; provided, wever, this provision shall not affect the employment of a boy or female suitable age in an office or in the performance of clerical work at such ne or colliery.

SEC. 4. For any injury to person or property caused by wilful failure to mply with the provisions of this article, or laws passed in pursuance hereof, right of action shall accrue to the party injured, for the damage sustained ereby, and in all cases in this state, whenever the death of a person shall caused by wrongful act, neglect or default, such as would, if death had ensued, have entitled the party injured to maintain an action to recover mages in respect thereof, the person who, or the corporation which would ve been liable, if death had not ensued, shall be liable to an action for mages notwithstanding the death of the person injured, and the legisla- e shall provide by law at its first session for the manner in which the ht of action in respect thereto shall be enforced.

SEC. 5. The legislature may provide that the science of mining and allurgy be taught in one of the institutions of learning under the patron- of the state.

SEC. 6. There shall be a state geologist, who shall be appointed by the ernor of the state, with the advice and consent of the senate. He shall l his office for a term of six (6) years or until his successor shall have n appointed and shall have qualified. His duties and compensation shall prescribed by law. No person shall be appointed to this position unless has such theoretical knowledge and such practical experience and skill shall fit him for the position; said state geologist shall ex-officio perform duties of inspector of mines until otherwise provided by law.

ARTICLE X.

CORPORATIONS.

SECTION 1. The legislature shall provide for the organization of cor porations by general law. All laws relating to corporations may be altered amended or repealed by the legislature at any time when necessary for th public good and general welfare, and all corporations doing business in thi state may as to such business be regulated, limited or restrained by law no in conflict with the constitution of the United States.

SEC. 2. All powers and franchises of corporations are derived from th people and are granted by their agent, the government, for the public goo and general welfare, and the right and duty of the state to control an regulate them for these purposes is hereby declared. The power, rights an privileges of any and all corporations may be forfeited by willful neglec or abuse thereof. The police power of the state is supreme over all cor porations as well as individuals.

SEC. 3. All existing charters, franchises, special or exclusive privilege under which an actual and bona fide organization shall not have taken plac for the purpose for which formed and which shall not have been maintaine in good faith to the time of the adoption of this constitution shall there after have no validity.

SEC. 4. No law shall be enacted limiting the amount of damages to b recovered for causing the injury or death of any person. Any contract c agreement with any employee waiving any right to recover damages for causin the death or injury of any employee shall be void.

As to all extra hazardous employments the legislature shall provide b law for the accumulation and maintenance of a fund or funds out of whic shall be paid compensation as may be fixed by law according to proper classi fications to each person injured in such employment or to the dependent famili of such as die as the result of such injuries, except in case of injurie due solely to the culpable negligence of the injured employee. Such fund o funds shall be accumulated, paid into the state treasury and maintained in such manner as may be provided by law. The right of each employee to compensation from such fund shall be in lieu of and shall take the place o any and all rights of action against any employer contributing as require by law to such fund in favor of any person or persons by reason of any suc injuries or death.[6]

SEC. 5. No corporation organized under the laws of Wyoming Territor or any other jurisdiction than this state, shall be permitted to transact bus ness in this state until it shall have accepted the constitution of this sta and filed such acceptance in accordance with the laws thereof.

SEC. 6. No corporation shall have power to engage in more than one ge eral line or department of business, which line of business shall be distinct specified in its charter of incorporation.

SEC. 7. All corporations engaged in the transportation of persons, pro erty, mineral oils, and mineral products, news or intelligence, including ra roads, telegraphs, express companies, pipe lines and telephones, are declar to be common carriers.

SEC. 8. There shall be no consolidation or combination of corporatio of any kinds whatever to prevent competition, to control or influence pr ductions or prices thereof, or in any manner to interfere with the pub good and general welfare.

SEC. 9. The right of eminent domain shall never be so abridged or co strued as to prevent the legislature from taking property and franchises incorporated companies and subjecting them to public use the same as t property of individuals.

SEC. 10. The legislature shall provide by suitable legislation for the o ganization of mutual and co-operative associations or corporations.

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[6] The second paragraph is an amendment; it was proposed by the legislature 1913, was ratified on Nov. 3, 1914, and became effective on Dec. 26, 1914.

RAILROADS.

SECTION 1. Any railroad corporation or association organized for the purpose, shall have the right to construct and operate a railroad between any points within this state and to connect at the state line with railroads of other states. Every railroad shall have the right with its road to intersect, connect with or cross any other railroad, and all railroads shall receive and transport each others' passengers, and tonnage and cars, loaded or empty, without delay or discrimination.

SEC. 2. Railroad and telegraph lines heretofore constructed or that may hereafter be constructed in this state are hereby declared public highways and common carriers, and as such must be made by law to extend the same equality and impartiality to all who use them, excepting employees and their families and ministers of the gospel, whether individuals or corporations.

SEC. 3. Every railroad corporation or association operating a line of railroad within this state shall annually make a report to the auditor of state of its business within this state, in such form as the legislature may prescribe.

SEC. 4. Exercise of the power and right of eminent domain shall never be so construed or abridged as to prevent the taking by the legislature of property and franchises of incorporated companies and subjecting them to public use the same as property of individuals.

SEC. 5. Neither the state, nor any county, township, school district or municipality shall loan or give its credit or make donations to or in aid of any railroad or telegraph line; provided, that this section shall not apply to obligations of any county, city, township or school district, contracted prior to the adoption of this constitution.

SEC. 6. No railroad or other transportation company or telegraph company in existence upon the adoption of this constitution shall derive the benefit of any future legislation without first filing in the office of the secretary of state an acceptance of the provisions of this constitution.

SEC. 7. Any association, corporation or lessee of the franchises thereof organized for the purpose shall have the right to construct and maintain lines of telegraph within this state, and to connect the same with other lines.

SEC. 8. No foreign railroad telegraph lines shall do any business within this state without having an agent or agents within each county through which such railroad or telegraph line shall be constructed upon whom process may be served.

SEC. 9. No railroad company shall construct or operate a railroad within four (4) miles of any existing town or city without providing a suitable depot or stopping place at the nearest practicable point for the convenience of said town or city, and stopping all trains doing local business at said stopping place. No railroad company shall deviate from the most direct practicable line in constructing a railroad for the purpose of avoiding the provisions of this section.

ARTICLE XI.

BOUNDARIES.

SECTION 1. The boundaries of the state of Wyoming shall be as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning.[1]

ARTICLE XII.

COUNTY ORGANIZATION.

SECTION 1. The several counties in the territory of Wyoming as they shall exist at the time of the admission of said territory as a state, are hereby declared to be the counties of the state of Wyoming.

[1] The revision committee recommended that Article XI, concerning "Boundaries," should be inserted as a section of Article II.

SEC. 2. The legislature shall provide by general law for organizing new counties, locating the county seats thereof temporarily and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of two million dollars, as shown by last preceding tax returns, and not then unless the remaining portion of the old county or counties shall each contain property of at least three million of dollars of assessable valuation; and no new county shall be organized nor shall any organized county be so reduced as to contain a population of less than one thousand five hundred bona fide inhabitants, and in case any portion of an organized county or counties is stricken off to form a new county, the new county shall assume and be holden for an equitable proportion of the indebtedness of the county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off voting on the proposition shall vote in favor of the division.

SEC. 3. The legislature shall provide by general law for changing county seats in organized counties, but it shall have no power to remove the county seat of any organized county.

SEC. 4. The legislature shall provide by general law for a system of township organization and government, which may be adopted by any county whenever a majority of the citizens thereof voting at a general election shall so determine.

SEC. 5. The legislature shall provide by law for the election of such county officers as may be necessary.

ARTICLE XIII.

MUNICIPAL CORPORATIONS.

SECTION 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four (4), and the powers of each class shall be defined by general laws, so that no such corporation shall have any powers or be subject to any restrictions other than all corporations of the same class. Cities and towns now existing under special charters or the general laws of the territory may abandon such charter and reorganize under the general laws of the state.

SEC. 2. No municipal corporation shall be organized without the consent of the majority of the electors residing within the district proposed to be so incorporated, such consent to be ascertained in the manner and under such regulations as may be prescribed by law.

SEC. 3. The legislature shall restrict the powers of such corporations to levy taxes and assessments, to borrow money and contract debts so as to prevent the abuse of such power, and no tax or assessment shall be levied or collected or debts contracted by municipal corporations except in pursuance of law for public purposes specified by law.

SEC. 4. No street passenger railway, telegraph, telephone or electric light line shall be constructed within the limits of any municipal organization without the consent of its local authorities.

SEC. 5. Municipal corporations shall have the same right as individuals to acquire rights by prior appropriation and otherwise to the use of water for domestic and municipal purposes, and the legislature shall provide by law for the exercise upon the part of incorporated cities, towns and villages of the right of eminent domain for the purpose of acquiring from prior appropriators upon the payment of just compensation, such water as may be necessary for the well being thereof and for domestic uses.

ARTICLE XIV.

SALARIES.

SECTION 1. All state, city, county, town and school officers (except justices of the peace and constables in precincts having less than fifteen hundred population, and excepting court commissioners, boards of arbitration and notaries public) shall be paid fixed and definite salaries. The legislatu

shall, from time to time, fix the amount of such salaries as are not already fixed by this constitution, which shall in all cases be in proportion to the value of the services rendered and the duty performed.

SEC. 2. The legislature shall provide by law the fees which may be demanded by justices of the peace and constables in precincts having less than fifteen hundred population, and of court commissioners, boards of arbitration and notaries public, which fees the said officers shall accept as their full compensation. But all other state, county, city, town and school district officers shall be required by law to keep a true and correct account of all fees collected by them, and to pay the same into the proper treasury when collected, and the officer whose duty it is to collect such fees shall be held responsible, under his bond, for neglect to collect the same; provided, that in addition to the salary of sheriff they shall be entitled to receive from the party for whom the services are rendered in civil cases such fees as may be prescribed by law.

SEC. 3. The salaries of county officers shall be fixed by law within the following limits, to-wit: In counties having an assessed valuation not exceeding two millions ($2,000,000) of dollars, the sheriff shall be paid not more than fifteen hundred dollars per year. The county clerk shall not be paid more than twelve hundred ($1,200) dollars per year. The county and prosecuting attorney shall not be paid more than twelve hundred ($1,200) dollars per year. The county treasurer shall not be paid more than one thousand ($1,000) dollars per year. The county assessor shall not be paid more than one thousand ($1,000) dollars per year. The county superintendent of schools shall not be paid more than five hundred ($500) dollars per year.

In counties having an assessed valuation of more than two millions ($2,000,000) of dollars and not exceeding five millions ($5,000,000) of dollars, the sheriff shall not be paid more than two thousand ($2,000) dollars per year. The county clerk shall not be paid more than eighteen hundred ($1,800) dollars per year. The county treasurer shall not be paid more than eighteen hundred ($1,800) dollars per year. The county assessor shall not be paid more than twelve hundred ($1,200) dollars per year. The county and prosecuting attorney shall not be paid more than fifteen hundred ($1,500) dollars per year. The county superintendent of schools shall not be paid more than seven hundred and fifty ($750) dollars per year.

In counties having more than five millions ($5,000,000) dollars assessed valuation, the sheriff shall not be paid more than two thousand ($2,000) dollars per year. The county clerk shall not be paid more than two thousand ($2,000) dollars per year. The county treasurer shall not be paid more than two thousand ($2,000) dollars per year. The county assessor shall not be paid more than fifteen hundred ($1,500) dollars per year. The county and prosecuting attorney shall not be paid more than twenty-five hundred ($2,500) dollars per year. The county superintendent of schools shall not be paid more than one thousand ($1,000) dollars per year. The county surveyor in each county shall receive not to exceed eight ($8.00) dollars per day, for each day actually engaged in the performance of the duties of his office.

SEC. 4. The legislature shall provide by general law for such deputies as the public necessities may require, and shall fix their compensation.

SEC. 5. Any county officers performing the duties usually performed by the officers named in this article shall be considered as referred to by section 3 of this article, regardless of the title by which their offices may hereafter be designated.

SEC. 6. Whenever practicable the legislature may, and whenever the same can be done without detriment to the public service, shall consolidate offices in state, county and municipalities respectively, and whenever so consolidated, the duties of such additional office shall be performed under an ex-officio title.

ARTICLE XV.

TAXATION AND REVENUE.

SECTION 1. All lands and improvements thereon shall be listed for assessment, valued for taxation and assessed separately.

SEC. 2. All coal lands in the state from which coal is not being mined shall be listed for assessment, valued for taxation and assessed according to value.

SEC. 3. All mines and mining claims from which gold, silver, and other precious metals, soda, saline, coal, mineral oil or other valuable deposit, is or may be produced shall be taxed in addition to the surface improvements, and in lieu of taxes on the lands, on the gross product thereof, as may be prescribed by law; provided, that the product of all mines shall be taxed in proportion to the value thereof.

SEC. 4. For state revenue, there shall be levied annually a tax not to exceed four mills on the dollar of the assessed valuation of the property in the state except for the support of state educational and charitable institutions, the payment of the state debt and the interest thereon.

SEC. 5. For county revenue, there shall be levied annually a tax not to exceed twelve mills on the dollar for all purposes including general school tax, exclusive of state revenue, except for the payment of its public debt and the interest thereon. An additional tax of two dollars for each person, between the ages of twenty-one years and fifty years, inclusive, shall be annually levied for county school purposes.

SEC. 6. No incorporated city or town shall levy a tax to exceed eight mills on the dollar in any one year, except for the payment of its public debt and the interest thereon.

SEC. 7. All money belonging to the state, or to any county, city, town, village, or other sub-division therein, except as herein otherwise provided, shall whenever practicable, be deposited in a national bank or banks, or in a bank or banks incorporated under the laws of this state; provided that the bank or banks in which such money is deposited shall furnish security to be approved as provided by law; and shall also pay a reasonable rate of interest thereon. Such interest shall accrue to the fund from which it is derived.

SEC. 8. The making of profit, directly or indirectly, out of state, county, city, town or school district money or other public fund, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 9. The Legislature shall provide by law for a State Board of Equalization.[8]

SEC. 10. The duties of the state board shall be as follows: To fix a valuation each year for the assessment of live stock and to notify the several county boards of equalization of the rate so fixed at least ten (10) days before the day fixed for beginning assessments; to assess at their actual value the franchises, roadway, roadbed, rails and rolling stock and all other property, used in the operation of all railroads and other common carriers, except machine shops, rolling mills and hotels in this state; such assessed valuation shall be apportioned to the counties in which said roads and common carriers are located, as a basis for taxation of such property; provided, that the assessment so made shall not apply to incorporated towns and cities. Said board shall also have power to equalize the valuation on all property in the several counties for the state revenue and such other duties as may be prescribed by law.

SEC. 11. All property, except as in this constitution otherwise provided, shall be uniformly assessed for taxation, and the legislature shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal.

SEC. 12. The property of the United States, the state, counties, cities, towns, school districts, municipal corporations and public libraries, lots with the buildings thereon used exclusively for religious worship, church parsonages, public cemeteries, shall be exempt from taxation, and such other property as the legislature may by general law provide.

SEC. 13. No tax shall be levied, except in pursuance of law, and every law

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[8] Amendment proposed by the legislative of 1909, ratified on Nov. 8, 1910, and effective on Dec. 12, 1910.

imposing a tax shall state distinctly the object of the same, to which only it shall be applied.

SEC. 14. The power of taxation shall never be surrendered or suspended by any grant or contract to which the state or any county or other municipal corporation shall be a party.

ARTICLE XVI.

PUBLIC INDEBTEDNESS.

SECTION 1. The state of Wyoming shall not, in any manner, create any indebtedness exceeding one per centum on the assessed value of the taxable property in the state, as shown by the last general assessment for taxation, preceding; except to suppress insurrection or to provide for the public defense.

SEC. 2. No debt in excess of the taxes for the current year, shall in any manner be created in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people and by them approved; except to suppress insurrection or to provide for the public defense.

SEC. 3. No county in the state of Wyoming shall in any manner create any indebtedness, exceeding two per centum on the assessed value of taxable property in such county, as shown by the last general assessment, preceding; provided, however, that any county, city, town, village or other subdivision thereof in the state of Wyoming, may bond its public debt existing at the time of the adoption of this constitution, in any sum not exceeding four per centum on the assessed value of the taxable property in such county, city, town, village or other subdivision, as shown by the last general assessment for taxation.

SEC. 4. No debt in excess of the taxes for the current year shall, in any manner, be created by any county or sub-division thereof, or any city, town or village, or any sub-division thereof in the state of Wyoming, unless the proposition to create such debt shall have been submitted to a vote of the people thereof and by them approved.

SEC. 5. No city, town or village, or any sub-division thereof, or any sub-division of any county of the state of Wyoming, shall, in any manner, create any indebtedness exceeding two per centum on the assessed value of the taxable property therein; provided, however, that any city, town or village may be authorized to create an additional indebtedness, not exceeding four per centum on the assessed value of the taxable property therein as shown by the last preceding general assessment, for the purpose of building sewerage therein. Debts contracted for supplying water to such city or town are excepted from the operation of this section.

SEC. 6. Neither the state nor any county, city, township, town, school district, or any other political sub-division, shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation. The state shall not engage in any work of internal improvement unless authorized by a two-thirds vote of the people.

SEC. 7. No money shall be paid out of the state treasury except upon appropriation by law and on warrant drawn by the proper officer, and no bills, claims, accounts or demands against the state, or any county or political sub-division, shall be audited, allowed or paid until a full itemized statement in writing, verified by affidavit, shall be filed with the officer or officers whose duty it may be to audit the same.

SEC. 8. No bond or evidence of indebtedness of the state shall be valid unless the same shall have endorsed thereon a certificate signed by the auditor and secretary of state that the bond or evidence of debt is issued pursuant to law and is within the debt limit. No bond or evidence of debt of any county, or bond of any township or other political sub-division, shall be valid unless the same shall have endorsed thereon a certificate signed by the county auditor or other officer authorized by law to sign such certificate, stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit.

SEC. 9. The provision of Section 6 of Article 16 of this Constitution prohibiting the state from engaging in any work of internal improvement unless

authorized by a two-thirds vote of the people shall not apply to or affect the construction or improvement of public roads and highways, but the legislature shall have power to provide for the construction and improvement of public roads and highways in whole or in part by the state, either directly or by extending aid to counties; and, notwithstanding said inhibition as to works of internal improvement, whenever grants of land or other property shall have been made to the state, especially dedicated by the grant to particular works of internal improvement, the state may carry on such particular works and shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such work in the aid of their completion.[9]

ARTICLE XVII.

STATE MILITIA.

SECTION 1. The militia of the state shall consist of all able-bodied male citizens of the state, between the ages of eighteen and forty-five years; except such as are exempted by the law of the United States or the state. But all such citizen having scruples of conscience reverse to bearing arms shall be excused therefrom upon such conditions as shall be prescribed by law.

SEC. 2. The legislature shall provide by law for the enrollment, equipment and discipline of the militia to conform as nearly as practicable to the regulations for the government of the armies of the United States.

SEC. 3. All militia officers shall be commissioned by the governor, the manner of their selection to be provided by law and may hold their commissions for such period of time as the legislature may provide.

SEC. 4. No military organization under the laws of the state shall carry any banner or flag representing any sect or society or the flag of any nationality but that of the United States.

SEC. 5. The governor shall be commander-in-chief of all the military forces of the state, and shall have power to call out the militia to preserve the public peace, to execute the laws of the state, to suppress insurrection or repel invasion.

ARTICLE XVIII.

PUBLIC LANDS AND DONATIONS.

SECTION 1. The state of Wyoming hereby agrees to accept the grants of lands heretofore made, or that may be hereafter made by the United States to the state, for educational purposes, for public buildings and institutions and for other objects, and donations of money with the conditions and limitations that may be imposed by the act or acts of congress, making such grants or donations. Such lands shall be disposed of only at public auction to the highest responsible bidder, after having been duly appraised by the land commissioners, at not less than three-fourths of the appraised value thereof, and for not less than $10 per acre; provided, that in case of actual and bona fide settlement and improvement thereon at the time of the adoption of this constitution, such actual settler shall have the preference right to purchase the land whereon he may have settled, not exceeding 160 acres at a sum not less than the appraised value thereof, and in making such appraisement the value of improvements shall not be taken into consideration. If, at any time hereafter, the United States shall grant any arid lands in the state to the state, on the condition that the state reclaim and dispose of them to actual settlers, the legislature shall be authorized to accept such arid lands on such conditions, or other conditions, if the same are practicable and reasonable.

SEC. 2. The proceeds from the sale and rental of all lands and other property donated, granted or received, or that may hereafter be donated, granted or received, from the United States or any other source, shall be inviolably appropriated and applied to the specific purposes specified in the original grants or gifts.

SEC. 3. The governor, superintendent of public instruction and secretary

[9] Section 9 is a new section; it was proposed by the legislature of 1915, ratified at the election of Nov. 7, 1916, and effective on Dec. 22, 1916.

of state, shall constitute a board of land commissioners who, under such regulations as may be provided by law, shall have the direction, control, disposition and care of all lands that have been heretofore or may hereafter be granted to the state.[10]

SEC. 4. The legislature shall enact the necessary laws for the sale, disposal, leasing or care of all lands that have been or may hereafter be granted to the state, and shall, at the earliest practicable period, provide by law for the location and selection of all lands that have been or may hereafter be granted by congress to the state, and shall pass laws for the suitable keeping, transfer and disbursement of the land grant funds, and shall require of all officers charged with the same or the safe keeping thereof to give ample bonds for all moneys and funds received by them.

SEC. 5. Except a preference right to buy as in this constitution otherwise provided, no law shall ever be passed by the legislature granting any privileges to persons who may have settled upon any of the school lands granted to the state subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished directly or indirectly.

SEC. 6. If any portion of the interest or income of the perpetual school fund be not expended during any year, said portion shall be added to and become a part of the said school fund.

ARTICLE XIX.

MISCELLANEOUS.

LIVESTOCK.

SECTION 1. The legislature shall pass all necessary laws to provide for the protection of live stock against the introduction or spread of pleuro-pneumonia, glanders, splenetic or Texas fever, and other infectious or contagious diseases. The legislature shall also establish a system of quarantine, or inspection, and such other regulations as may be necessary for the protection of stock owners, and most conducive to the stock interests within the state.

CONCERNING LABOR.

SECTION 1. Eight (8) hours actual work shall constitute a lawful day's work in all mines, and on all state and municipal works.

LABOR ON PUBLIC WORKS.

SECTION 1. No person not a citizen of the United States or who has not declared his intentions to become such, shall be employed upon or in connection with any state, county or municipal works or employment.

SEC. 2. The legislature shall, by appropriate legislation, see that the provisions of the foregoing section are enforced.

BOARDS OF ARBITRATION.

SECTION 1. The legislature shall establish courts of arbitration, whose duty it shall be to hear, and determine all differences, and controversies between organizations or associations of laborers, and their employers, which shall be submitted to them in such manner as the legislature may provide.[11]

POLICE POWERS.

SECTION 1. No armed police force, or detective agency, or armed body, or unarmed body of men, shall ever be brought into this state, for the suppression of domestic violence, except upon the application of the legislature, or executive, when the legislature cannot be convened.

[10] See Note No. 5.
[11] See Note No. 2.

LABOR CONTRACTS.

SECTION 1. It shall be unlawful for any person, company or corporation, to require of its servants or employees as a condition of their employment, or otherwise, any contract or agreement, whereby such person, company or corporation shall be released or discharged from liability or responsibility, on account of personal injuries received by such servants or employees, while in the service of such person, company or corporation, by reason of the negligence of such person, company or corporation, or the agents or employees thereof, and such contracts shall be absolutely null and void.

ARBITRATION.

SECTION 1. The legislature may provide by law for the voluntary submission of differences to arbitrators for determination, and said arbitrators shall have such powers and duties as may be prescribed by law, but they shall have no power to render judgment to be obligatory on parties, unless they voluntarily submit their matters of difference and agree to abide by the judgment of such arbitrators.[12]

HOMESTEADS.

SECTION 1. A homestead as provided by law shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when that relation exists; but no property shall be exempt from sale for taxes, or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon.

ARTICLE XX.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this constitution may be proposed in either branch of the legislature, and, if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the legislature to submit such amendment or amendments to the electors of the state at the next general election, and cause the same to be published without delay for at least twelve (12) consecutive weeks, prior to said election, in at least one newspaper of general circulation, published in each county, and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this constitution.

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

SEC. 3. Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this constitution, they shall recommend to the electors to vote at the next general election for or against a convention, and if a majority of all the electors voting at such election shall have voted for a convention, the legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members, not less than double that of the most numerous branch of the legislature.

SEC. 4. Any constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE XXI.

SCHEDULE.

SECTION 1. That no inconvenience may arise from a change of the territorial government to a permanent state government, it is declared that all writs, actions, prosecutions, claims, liabilities and obligations against the territory of Wyoming, of whatever nature, and rights of individuals, and of bodies

[12] See Note No. 2.

corporate, shall continue as if no change had taken place in this government, and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the territory of Wyoming, shall be as valid as if issued in the name of the state.

SEC. 2. All property, real and personal, and all moneys, credits, claims and choses in action, belonging to the territory of Wyoming, at the time of the adoption of this constitution, shall be vested in and become the property of the state of Wyoming.

SEC. 3. All laws now in force in the territory of Wyoming, which are not repugnant to this constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 4. All fines, penalties, forfeitures and escheats, accruing to the territory of Wyoming, shall accrue to the use of the state.

SEC. 5. All recognizances, bonds, obligations or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the state, and all bonds, obligations or other undertakings executed to this territory, or to any officer in his official capacity, shall pass over to the proper state authority and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the state.

SEC. 6. All officers, civil and military, holding their offices and appointments in this territory, under the authority of the United States or under the authority of this territory, shall continue to hold and exercise their respective offices and appointments until suspended under this constitution.

SEC. 7. This constitution shall be submitted for adoption or rejection to a vote of the qualified electors of this territory, at an election to be held on the first Tuesday in November, A. D. 1889. Said election, as nearly as may be, shall be conducted in all respects in the same manner as provided by the laws of the territory for general elections, and the returns thereof shall be made to the secretary of said territory, who with the governor and chief justice thereof, or any two of them, shall canvass the same, and if a majority of the legal votes cast shall be for the constitution the governor shall certify the result to the president of the United States, together with a statement of the votes cast thereon and a copy of said constitution, articles, propositions and ordinances. At the said election the ballots shall be in the following form: "For the constitution Yes. No." And as a heading to each of said ballots, shall be printed on each ballot the following instructions to voters: "All persons who desire to vote for the constitution may erase the word 'No.' All persons who desire to vote against the constitution may erase the word 'Yes.' Any person may have printed or written on his ballot only the words: "For the constitution," or "Against the constitution," and such ballots shall be counted for or against the constitution accordingly.

SEC. 8. This constitution shall take effect and be in full force immediately upon the admission of the territory as a state.

SEC. 9. Immediately upon the admission of the territory as a state, the governor of the territory, or in case of his absence or failure to act, the secretary of the territory, or in case of his absence or failure to act, the president of this convention shall issue a proclamation, which shall be published and a copy thereof mailed to the chairman of the board of county commissioners of each county, calling an election by the people for all state, district and other officers, created and made elective by this constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation nor more than ninety days after the admission of the territory as a state.

SEC. 10. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of

the territory in cases of general elections for delegate to congress, and county and other officers. Every qualified elector of the territory at the date of said election shall be entitled to vote thereat. Said election shall be conducted in all respects, in the same manner as provided by the laws of the territory for general elections, and the returns thereof shall be made to the canvassing board hereinafter provided for.

SEC. 11. The governor, secretary of the territory and president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote of such election for member of congress, all state and district officers and members of the legislature. The said board shall assemble at the seat of government of the territory on the thirtieth day after the day of such election (or on the following day if such day fall on Sunday) and proceed to canvass the votes for all state and district officers and members of the legislature, in the manner provided by the laws of the territory for canvassing the vote for delegate to congress, and they shall issue certificates of election to the persons found to be elected to said offices, severally, and shall make and file with the secretary of the territory an abstract certified by them of the number of votes cast for each person, for each of said offices, and of the total number of votes cast in each county.

SEC. 12. All officers elected at such election, except members of the legislature, shall, within thirty days after they have been declared elected, take the oath required by this constitution, and give the same bond required by the law of the territory or district, and shall thereupon enter upon the duties of their respective offices; but the legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

SEC. 13. The governor-elect of the state, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the legislature of the state at the seat of government, on a day to be named in said proclamation, and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the legislature, both houses of the legislature, in joint session, shall then and there proceed to elect, as provided by law, two senators of the United States for the state of Wyoming. At said election the two persons who shall receive the majority of all the votes cast by said senators and representatives shall be elected as such United States senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house shall issue a certificate to each of said senators certifying his election, which certificates shall also be signed by the governor and attested by the secretary of state.

SEC. 14. The legislature shall pass all necessary laws to carry into effect the provisions of this constitution.

SEC. 15. Whenever any two of the judges of the supreme court of the state, elected under the provisions of this constitution, shall have qualified in their offices, the causes then pending in the supreme court of the territory, and the papers, records and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state; and until so superseded the supreme court of the territory and the judges thereof shall continue with like powers and jurisdiction, as if this constitution had not been adopted. Whenever the judge of the district court of any district, elected under the provisions of this constitution, shall have qualified in office, the several causes then pending in the district court of the territory, within any county in such district, and the records, papers and proceedings of said district court and the seal and other property pertaining thereto, shall pass into the jurisdiction and posssesion of the district court of the state for such county; and until the district courts of this territory shall be superseded in the manner aforesaid, the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively as heretofore constituted under the laws of the territory.

SEC. 16. Until otherwise provided by law the seals now in use in the su-

preme and district courts of this territory are hereby declared to be the seals of the supreme and district courts, respectively, of the state.

SEC. 17. Whenever this constitution shall go into effect, records and papers and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the district court of the same county, and the said district court shall proceed to final decree or judgment order or other determination in the said several matters and causes, as the said probate court might have done if this constitution had not been adopted.

SEC. 18. Senators and members of the house of representatives shall be chosen by the qualified electors of the several senatorial and representative districts as established in this constitution, until such districts shall be changed by law, and thereafter by the qualified electors of the several districts as the same shall be established by law.

SEC. 19. All county and precinct officers who may be in office at the time of the adoption of this constitution, shall hold their respective offices for the full time for which they may have been elected, and until such time as their successors may be elected and qualified, as may be provided by law, and the official bonds of all such officers shall continue in full force and effect as though this constitution had not been adopted.

SEC. 20. Members of the legislature and all state officers, district and supreme judges elected at the first election held under this constitution shall hold their respective offices for the full term next ensuing such election, in addition to the period intervening between the date of their qualification and the commencement of such full term.

SEC. 21. If the first session of the legislature under this constitution shall be concluded within twelve months of the time designated for a regular session thereof, then the next regular session following said special session shall be omitted.

SEC. 22. The first regular election that would otherwise occur following the first session of the legislature, shall be omitted, and all county and precinct officers elected at the first election held under this constitution shall hold their office for the full term thereof, commencing at the expiration of the term of the county and precinct officers then in office, or the date of their qualification.

SEC. 23. This convention does hereby declare on behalf of the people of the territory of Wyoming, that this constitution has been prepared and submitted to the people of the territory of Wyoming for their adoption or rejection, with no purpose of setting up or organizing a state government until such time as the congress of the United States shall enact a law for the admission of the territory of Wyoming as a state under its provisions.

ORDINANCES.

The following article shall be irrevocable without the consent of the United States and the people of this state:

SECTION 1. The state of Wyoming is an inseparable part of the Federal Union and the constitution of the United States is the supreme law of the land.

SEC. 2. Perfect toleration of religious sentiment shall be secured, and no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

SEC. 3. The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States and that said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without this state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by this state on

lands or property therein, belonging to, or which may hereafter be purchased by the United States, or reserved for its use. But nothing in this article shall preclude this state from taxing as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, a title thereto, by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any acts of congress containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such an extent, as is, or may be provided in the act of congress granting the same.

SEC. 4. All debts and liabilities of the territory of Wyoming shall be assumed and paid by this state.

SEC. 5. The legislature shall make laws for the establishment and maintenance of systems of public schools which shall be open to all the children of the state and free from sectarian control.

Done in open convention, at the city of Cheyenne, in the Territory of Wyoming, this 30th day of September, in the year of our Lord one thousand eight hundred and eighty-nine.

MELVILLE C. BROWN, *President.*

Attested: JOHN K. JEFFREY, *Secretary.*

ORGANIC ACT OF ALASKA—1912.*

n Act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United tates of America in Congress assembled.

SECTION 1. That the territory ceded to the United States by Russia by the reaty of March thirtieth, eighteen hundred and sixty-seven, and known as Alaska, hall be and constitute the Territory of Alaska under the laws of the United tates, the government of which shall be organized and administered as provided y said laws.

SEC. 2. That the capital of the Territory of Alaska shall be at the city of uneau, Alaska, and the seat of government shall be maintained there.

SEC. 3. That the Constitution of the United States, and all the laws there- f which are not locally inapplicable, shall have the same force and effect with- the said Territory as elsewhere in the United States; that all the laws of he United States heretofore passed establishing the executive and judicial de- rtments in Alaska shall continue in full force and effect until amended or epealed by Act of Congress; that except as herein provided all laws now in orce in Alaska shall continue in full force and effect until altered, amended, or epealed by Congress or by the legislature: Provided, That the authority herein anted to the legislature to alter, amend, modify, and repeal laws in force in laska shall not extend to the customs, internal revenue, postal, or other gen- al laws of the United States or to the game, fish, and fur-seal laws and laws elating to fur-bearing animals of the United States applicable to Alaska, or to he laws of the United States providing for taxes on business and trade, or to the ct entitled, "An act to provide for the construction and maintenance of roads, he establishment and maintenance of schools, and the care and support of insane ersons in the District of Alaska, and for other purposes," approved January venty-seventh, nineteen hundred and five, and the several acts amendatory hereof: Provided further, That this provision shall not operate to prevent the gislature from imposing other and additional taxes or licenses. And the legis- ture shall pass no law depriving the judges and officers of the district court Alaska of any authority, jurisdiction, or function exercised by like judges or fficers of district courts of the United States.

SEC. 4. That the legislative power and authority of said Territory shall be ested in a legislature, which shall consist of a senate and a house of repre- ntatives. The senate shall consist of eight members, two from each of the ur judicial divisions into which Alaska is now divided by act of Congress. ch of whom shall have at the time of his election the qualifications of an ector in Alaska, and shall have been a resident and an inhabitant in the divi- on from which he is elected for at least two years prior to the date of his ection. The term of office of each member of the senate shall be four years: rovided, That immediately after they shall be assembled in consequence of e first election they shall, by lot or drawing, be divided in each division into o classes; the seats of the members of the first class shall be vacated at the d of two years and the seats of the members of the second class shall be cated at the end of four years, so that one member of the senate shall, after e first election, be elected biennially at the regular election from each division. he house of representatives shall consist of sixteen members, four from each of

*The territory of Alaska was ceded to the United States by Russia by the treaty March 30, 1867, in consideration of the payment of $7,200,000. A civil government as established in the territory by the act of May 17, 1884, prior to which time it s unorganized and subject to the provisions of the act of July 27, 1868. Other acts ndamental in character were approved on May 14, 1898; March 3, 1899; June 6, 00; and May 7, 1906. The present form of government was established by the act August 24, 1912. The federal laws pertaining to the government of Alaska are ensive and are embraced in Sections 3528-3643, inclusive, of the United States Com- ed Statutes of 1913. United States Statutes at Large, Vol. 37, Part I, Public Laws.

the four judicial divisions into which Alaska is now divided by act of Congress. The term of office of each representative shall be for two years and each representative shall possess the same qualifications as are prescribed for members of the senate and the persons receiving the highest number of legal votes in each judicial division cast in said election for senator or representative shall be deemed and declared elected to such office: Provided, That in the event of a tie vote the candidates thus affected shall settle the question by lot. In case of a vacancy in either branch of the legislature the governor shall order an election to fill such vacancy, giving due and proper notice thereof. That each member of the legislature shall be paid by the United States the sum of fifteen dollars per day for each day's attendance while the legislature is in session, and mileage, in addition, at the rate of fifteen cents per mile for each mile from his home to the capital and return by the nearest traveled route.

SEC. 5. That the first election for members of the Legislature of Alaska shall be held on the Tuesday next after the first Monday in November, nineteen hundred and twelve, and all subsequent elections for the election of such members shall be held on the Tuesday next after the first Monday in November biennially thereafter; that the qualifications of electors, the regulations governing the creation of voting precincts, the appointment and qualifications of election officers, the supervision of elections, the giving of notices thereof, the forms of ballots, the register of votes, the challenging of voters, and the returns and the canvass of the returns of the result of all such elections for members of the legislature shall be the same as those prescribed in the act of Congress entitled "An Act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May seventh, nineteen hundred and six, and all the provisions of said act which are applicable are extended to said elections for members of the legislature, and shall govern the same, and the canvassing board created by said act shall canvass the returns of such elections and issue certificates of election to each member elected to the said legislature; and all the penal provisions contained in section fifteen of the said act shall apply to elections for members of the legislature as fully as they now apply to elections for Delegates from Alaska to the House of Representatives.

SEC. 6. That the Legislature of Alaska shall convene at the capitol at the city of Juneau, Alaska, on the first Monday in March in the year nineteen hundred and thirteen, and on the first Monday in March every two years thereafter; but the said legislature shall not continue in session longer than sixty days in any two years unless again convened in extraordinary session by a proclamation of the governor, which shall set forth the object thereof and give at least thirty days' written notice to each member of said legislature, and in such case shall not continue in session longer than fifteen days. The governor of Alaska is hereby authorized to convene the legislature in extraordinary session for a period not exceeding fifteen days when requested to do so by the President of the United States, or when any public danger or necessity may require it.

SEC. 7. That when the legislature shall convene under the law, the senate and house of representatives shall each organize by the election of one of their number as presiding officer, who shall be designated in the case of the senate as "president of the senate" and in the case of the house of representatives as "speaker of the house of representatives," and by the election by each body of the subordinate officers provided for in section eighteen hundred and sixty-one of the United States Revised Statutes of eighteen hundred and seventy-eight and each of said subordinate officers shall receive the compensation provided in that section: Provided, That no person shall be employed for whom salary, wages or compensation is not provided in the appropriation made by Congress.

SEC. 8. That the enacting clause of all laws passed by the legislature shall be "Be it enacted by the Legislature of the Territory of Alaska." No law shall embrace more than one subject, which shall be expressed in its title.

SEC. 9. The legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of nonresidents be taxed higher than the

ands or other property of residents; nor shall the legislature grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the affirmative approval of Congress; nor shall the legislature pass local or special laws in any of the cases enumerated in the act of July thirtieth, eighteen hundred and eighty-six; nor shall it grant private charters or special privileges, but it may, by general act, permit persons to associate themselves together as bodies corporate for manufacturing, mining, agricultural, and other industrial pursuits, and for the conduct of business of insurance, savings banks, banks of discount and deposit (but not of issue), loans, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association, but the authority embraced in this section shall only permit the organization of corporations or associations whose chief business shall be in the Territory of Alaska; no divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory, unless the applicant therefor shall have resided in the Territory for two years next preceding the application, which residence and all causes for divorce shall be determined by the court upon evidence adduced in open court; nor shall any lottery or the sale of lottery tickets be allowed; nor shall the legislature or any municipality interfere with or attempt in anywise to limit the acts of Congress to prevent and punish gambling, and all gambling implements shall be seized by the United States marshal or any of his deputies, or any constable or police officer, and destroyed; nor shall spirituous or intoxicating liquors be manufactured or sold, except under such regulations and restrictions as Congress shall provide; nor shall any public money be appropriated by the Territory or any municipal corporation therein for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Alaska or any political or municipal corporation or subdivision of the Territory make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall the Territory, or any municipal corporation therein, have power or authority to create or assume any bonded indebtedness whatever; nor to borrow money in the name of the Territory or of any municipal division thereof; nor to pledge the faith of the people of the same for any loan whatever, either directly or indirectly; nor to create, nor to assume, any indebtedness, except for the actual running expenses thereof; and no such indebtedness for actual running expenses shall be created or assumed in excess of the actual income of the Territory or municipality for that year, including as a part of such income appropriations then made by Congress, and taxes levied and payable and applicable to the payment of such indebtedness and cash and other money credits on hand and applicable and not already pledged for prior indebtedness: Provided, That all authorized indebtedness shall be paid in the order of its creation; all taxes shall be uniform upon the same class of subjects and shall be levied and collected under general laws, and the assessments shall be according to the actual value thereof. No tax shall be levied for Territorial purposes in excess of one per centum upon the assessed valuation of property therein in any one year; nor shall any incorporated town or municipality levy any tax, for any purpose, in excess of two per centum of the assessed valuation of property within the town in any one year; Provided, That the Congress reserves the exclusive power for five years from the date of the approval of this act to fix and impose any tax or taxes upon railways or railway property in Alaska, and no acts or laws passed by the Legislature of Alaska providing for a county form of government therein shall have any force or effect until it shall be submitted to and approved by the affirmative action of Congress; and all laws passed, or attempted to be passed, by such legislature in said Territory inconsistent with the provisions of this section shall be null and void: Provided further, That nothing herein contained shall be held to abridge the right of the legislature to modify the qualifications of electors by extending the elective franchise to women.

SEC. 10. That the senate and house of representatives shall each choose its

own officers, determine the rules of its own proceedings not inconsistent with this act, and keep a journal of its proceedings; that the ayes and noes of the members of either house on any question shall, at the request of one-fifth of the members present, be entered upon the journal; that a majority of the members to which each house is entitled shall constitute a quorum of such house for the conduct of business, of which quorum a majority vote shall suffice; that a smaller number than a quorum may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide; that for the purpose of ascertaining whether there is a quorum present the presiding officer shall count and report the actual number of members present.

SEC. 11. That no member of the legislature shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected and for one year after the expiration of such term; and no person holding a commission or appointment under the United States shall be a member of the legislature or shall hold any office under the government of said Territory.

SEC. 12. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance upon the sessions of the respective houses, and in going to and returning from the same: Provided, That such privilege as to going and returning shall not cover a period of more than ten days each way, except in the second division, when it shall extend to twenty days each way, and the fourth division to fifteen days each way.

SEC. 13. That a bill in order to become a law shall have three separate readings in each house, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes, and entered upon its journal. That every bill, when passed by the house in which it originated or in which amendments thereto shall have originated, shall immediately be enrolled and certified by the presiding officer and the clerk and sent to the other house for consideration.

SEC. 14. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it and it shall become a law at the expiration of ninety days thereafter, unless sooner given effect by a two-thirds vote of said legislature. If the governor does not approve such bill, he may return it, with his objections, to the legislature. He may veto any specific item or items in any bill which appropriates money for specific purposes, but shall veto other bills, if at all, only as a whole. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal. If, after such reconsideration, such bill or part of a bill shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become a law. That if the governor neither signs nor vetoes a bill within three days (Sundays excepted) after it is delivered to him, it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such three days. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by its adjournment, prevents the return of the bill, in which case it shall not be a law.

SEC. 15. That there shall be annually appropriated by Congress a sum sufficient to pay the salaries of members and authorized employees of the Legislature of Alaska, the printing of the laws, and other incidental expenses thereof; the said sums shall be disbursed by the governor of Alaska, under sole instructions from the Secretary of the Treasury, and he shall account quarterly to the

Secretary for the manner in which the said funds shall have been expended; and no expenditure, to be paid out of money appropriated by Congress, shall be made by the governor or by the legislature for objects not authorized by the Acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 16. That the governor of Alaska shall, within ninety days after the close of each session of the Legislature of the Territory of Alaska, transmit a correct copy of all the laws and resolutions passed by the said legislature, certified to by the secretary of the Territory, with the seal of the Territory attached; one copy to the President of the United States, and one to the Secretary of State of the United States; and the legislature shall make provisions for printing the session laws and resolutions within ninety days after the close of each session and for their distribution to public officials and sale to the people of the Territory.

SEC. 17. That after the year nineteen hundred and twelve the election for Delegate from the Territory of Alaska, provided by "An Act providing for the election of a Delegate to the House of Representatives from the Territory of Alaska," approved May seventh, nineteen hundred and six, shall be held on the Tuesday next after the first Monday in November in the year nineteen hundred and fourteen, and every second year thereafter on the said Tuesday next after the first Monday in November, and all of the provisions of the aforesaid Act shall continue to be in full force and effect and shall apply to the said election in every respect as is now provided for the election to be held in the month of August therein: Provided, That the time for holding an election in said Territory for Delegate in Alaska to the House of Representatives to fill a vacancy, whether such vacancy is caused by failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by an act passed by the Legislature of the Territory of Alaska: Provided further, That when such election is held it shall be governed in every respect by the laws passed by Congress governing such election.

SEC. 18. That an officer of the Engineer Corps of the United States Army, a geologist in charge of Alaska surveys, an officer in the Engineer Corps of the United States Navy, and a civil engineer who has had practical experience in railroad construction and has not been connected with any railroad enterprise in said Territory be appointed by the President as a commission hereby authorized and instructed to conduct an examination into the transportation question in the Territory of Alaska; to examine railroad routes from the seaboard to the coal fields and to the interior and navigable waterways; to secure surveys and other information with respect to railroads, including cost of construction and operation; to obtain information in respect to the coal fields and their proximity to railroad routes; and to make report of the facts to Congress on or before the first day of December, nineteen hundred and twelve, or as soon thereafter as may be practicable, together with their conclusions and recommendations in respect to the best and most available routes for railroads in Alaska which will develop the country and the resources thereof for the use of the people of the United States: Provided further, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated to defray the expenses of said commission.

SEC. 19. That the Committee on Territories of the Senate and the Committee on Territories of the House of Representatives are hereby authorized, empowered, and directed to jointly codify, compile, publish, and annotate all the laws of the United States applicable to the Territory of Alaska, and said committees are jointly authorized to employ such assistance as may be necessary for that purpose; and the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to cover the expenses of said work, which shall be paid upon vouchers properly signed and approved by the chairmen of said committees.

SEC. 20. That all laws passed by the Legislature of the Territory of Alaska

shall be submitted to the Congress by the President of the United States, and, if disapproved by Congress, they shall be null and of no effect.

Approved, August 24, 1912.

An Act to amend an Act entitled "An Act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August twenty-fourth, nineteen hundred and twelve.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That nothing in that Act of Congress entitled "An Act creating a legislative assembly in the Territory of Alaska and conferring legislative power thereon, and for other purposes," approved August twenty-fourth, nineteen hundred and twelve, shall be so construed as to prevent the courts now existing or that may be hereafter created in said Territory from enforcing within their respective jurisdictions all laws passed by the legislature within the power conferred upon it, the same as if such laws were passed by Congress, nor to prevent the legislature passing laws imposing additional duties, not inconsistent with the present duties of their respective offices, upon the governor, marshals, deputy marshals, clerks of the district courts, and United States commissioners acting as justices of the peace, judges of probate courts, recorders, and coroners, and providing the necessary expenses of performing such duties, and in the prosecuting of all crimes denounced by Territorial laws the cost shall be paid the same as is now or may hereafter be provided by Act of Congress providing for the prosecution of criminal offenses in said Territory, except that in prosecutions growing out of any revenue law passed by the legislature the costs shall be paid as in civil actions and such prosecutions shall be in the name of the Territory.

Approved, August 29, 1914.

DISTRICT OF COLUMBIA—1878.*

An Act providing a permanent form of government for the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act. The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

SEC. 2. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of a captain, shall be Commissioners of the District of Columbia, and who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners. The Commissioner, who shall be an officer detailed from time to time from the Corps of Engineers by the President for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else, and one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur thereafter; and said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law; and said Commissioners appointed from civil life shall each receive for his services a compensation at the rate of five thousand dollars per annum, and shall, before entering upon the duties of the office, each give bond in the sum of fifty thousand dollars, with surety as is required by existing law. The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years. Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District.

SEC. 3. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore

*The District of Columbia is a municipal corporation having an area of approximately sixty-four square miles. The territory comprised in the District was ceded to the United States jointly by the states of Maryland and Virginia in 1789. In 1846 the Virginia part of the District was retroceded to that state. The original local government which had developed in the District was continued until 1871 when a territorial government was established. The act creating the present form of government and establishing the District as a municipal corporation was passed in 1878.

required, all the powers, rights, duties, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy-four, shall be transferred to and vested in and imposed upon said Commissioners; and the functions of the Commissioners so appointed under the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine. And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes and other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department and the police, and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid; but said Commissioners, in the exercise of such duties, powers, and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress. The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners. All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided; but said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof; but they may borrow, for the first fiscal year after this act takes effect, in anticipation of collection of revenues, not to exceed two hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, which shall be repaid out of the revenues of that year. And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law; said Commissioners shall have power to erect, light and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary; Provided, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the Commissioners thereof, or affect any right, penalty, forfeiture, or cause of action existing in favor of said District or Commissioners, or any citizen of the District of Columbia, or any other person, but the same may be commenced, proceeded for, or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation. The said Commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expense of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year; Provided, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now in the control or supervision of said authorities. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he

may think the public interest demands; and after he shall have consider and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress. To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of fifty per centum thereof; and the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said district other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act: Provided, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempted by law; and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof; And provided further, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars. The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes; and any person who shall, within thirty days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of five per centum on the amount of his tax; all penalties imposed by the act approved March third, eighteen hundred and seventy-seven, chapter one hundred and seventeen, upon delinquents for default in the payment of taxes levied under said act, at the times specified therein, shall, upon payment of the said taxes assessed against such delinquent within three months from the passage of this act, with interest at the rate of six per cent, thereon, be remitted.

SEC. 4. That the said Commissioners may, by general regulations consistent with the act of Congress of March third, eighteen hundred and seventy-seven, entitled "An Act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto. All taxes collected shall be paid into the Treasury of the United States, and the same, as well as the appropriations to be made by Congress as aforesaid, shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said Commissioners, or a majority of them; and the accounts of said Commissioners, and the tax collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States. Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pursuance of the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

SEC. 5. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum

of one thousand dollars, notice shall be given in one newspaper in Washington, and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore, also for one week, for proposals, with full specifications as to material for the whole or any portion of the works proposed to be done; and the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted: Provided, however, That the Commissioners shall have the right, in their discretion, to reject all of such proposals: Provided, That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars. All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District, and all contracts shall be copied into a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid. No pavement shall be accepted nor any pavements laid except that of the best material of its kind known for that purpose, laid in the most substantial manner; and good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contract shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners; and that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts; and ten per centum of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors. The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the Commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the Commissioners may direct; the United States shall pay one-half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work: That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columia; and if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company; and if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to

sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section. It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down; and the Washington Gas-Light Company, under the direction of said Commissioners, shall, at its own expense take up, lay, and replace all gas mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct. The President of the United States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the Engineer Officer belonging to the Board of Commissioners of said District to act as assistants to said Engineer Commissioner, in the discharge of the special duties imposed upon him by the provisions of this act.

SEC. 6. That from and after the first day of July, eighteen hundred and seventy-eight, the board of metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act. And the Commissioners of the District of Columbia shall from time to time appoint nineteen persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said Commissioners shall fix. Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

SEC. 7. That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

SEC. 8. That in lieu of the board of health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as health officer, whose duty its shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said Commissioners; and the board of health now existing shall, from the date of the appointment of said health officer, be abolished.

SEC. 9. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation; and said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each; and said inspectors shall be respectively required to make, at least once in two weeks, a report to said health officer, in writing, of their inspections, which shall be preserved on file; and said health officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

SEC. 10. That the Commissioners may appoint, on the like recommendation of the health officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said heath officer, than the public interests demand and the appropriation shall justify.

SEC. 11. That the salary of the health officer shall be three thousand dol-

lars per annum; and the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each; and the salary of the clerks and other assistants of the health officer shall not exceed in the aggregate the amount of seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best.

SEC. 12. That it shall be the duty of the said Commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia; and said Commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

SEC. 13. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

SEC. 14. That the term "school houses" in the act of June seventeenth, eighteen hundred and seventy, chapter thirty, was intended to embrace all collegiate establishments actually used for educational purposes, and not for private gain; and that all taxes heretofore imposed upon such establishments, in the District of Columbia, since the date of said act are hereby remitted, and where the same or any part thereof has been paid, the sum so paid shall be refunded. But if any portion of any said building, house, or grounds in terms excepted is used to secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed.

SEC. 15. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

Approved June 11, 1878.

ORGANIC ACT OF HAWAII—1900.*

An Act to provide a government for the Territory of Hawaii.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHAPTER I.—GENERAL PROVISIONS.

DEFINITIONS.

SECTION 1. That the phrase "the laws of Hawaii," as used in this Act without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the twelfth day of August, eighteen hundred and ninety-eight, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

The constitution and statute laws of the Republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled "Civil Laws" and "Penal Laws," respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-eight, are referred to in this Act as "Civil Laws," "Penal Laws," and "Session Laws."

TERRITORY OF HAWAII.

SEC. 2. That the islands acquired by the United States of America under an Act of Congress entitled "Joint resolution to provide for annexing the Hawaiian Islands to the United States;" approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

GOVERNMENT OF THE TERRITORY OF HAWAII.

SEC. 3. That a Territorial government is hereby established over the said Territory, with its capital at Honolulu, on the island of Oahu.

CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

APPLICATION OF THE LAWS OF THE UNITED STATES.

SEC. 5. That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: Provided, That sections eighteen hundred and forty-one to eighteen hundred and ninety-one, inclusive, nineteen hundred and ten and nineteen hundred and twelve, of the Revised Statutes, and the amendments thereto, and an Act entitled "An Act to prohibit the passage of local or special laws in the Territories of the United States, to limit territorial indebtedness, and for other purposes," approved July thirtieth, eighteen hundred and eighty-six, and the amendments thereto shall not apply to Hawaii. [As amended by act of May 27, 1910.]

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* The Hawaiian Islands were annexed to the United States by a joint resolution approved July 7, 1898, and the formal cession was completed on August 12, 1898. By the act of April 30, 1900, the Islands were made a fully organized territory and a civil government was established. The organic act of 1900, with amendments since made, is still the fundamental law of the territory. The fundamental laws of Hawaii are embraced in Sections 3644-3746, inclusive, of the United States Compiled Statutes of 1913. United States Statutes at Large, Vol. 31.

LAWS OF HAWAII.

SEC. 6. That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed:

CIVIL LAWS: Sections two and three, Promulgation of laws; chapter five, Flag and seal; sections thirty to thirty-three, inclusive, Tenders for supplies; chapter seven, Minister of foreign affairs; chapter eight, Diplomatic and consular agents; sections one hundred and thirty-four and one hundred and thirty-five, National museum; chapter twelve, Education of Hawaiian youths abroad; sections one hundred and fifty to one hundred and fifty-six, inclusive, Aid to board of education; chapter fourteen, Minister of the Interior; sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands; section one hundred and ninety, Board of commissioners of public lands; section four hundred and twenty-four, Bureau of agriculture and forestry; chapter thirty-one, Agriculture and manufactures; chapter thirty-two, Ramie; chapter thirty-three, Taro flour; chapter thirty-four, Development of resources; chapter thirty-five, Agriculture; section four hundred and seventy-seven, Brands; chapter thirty-seven, Patents; chapter thirty-eight, Copyrights; sections five hundred and fifty-six and five hundred and fifty-seven, Railroad subsidy; chapter forty-seven, Pacific cable; chapter forty-eight, Hospitals; chapter fifty-one, Coins and currency; chapter fifty-four, Consolidation of public debt; chapter fifty-six, Post-office; chapter fifty-seven, Exemptions from postage; chapter fifty-eight, Postal savings banks; chapter sixty-five, Import duties; chapter sixty-six, Imports; chapter sixty-seven, Ports of entry and collection districts; chapter sixty-eight, Collectors; chapter sixty-nine, Registry of vessels; section one thousand and eleven, Custom-house charges; section eleven hundred and two, Elections; section eleven hundred and thirty-two, Appointment of magistrate; last clause of first subdivision and fifth subdivision of section eleven hundred and forty-four, first subdivision of section eleven hundred and forty-five, Jurisdiction; sections eleven hundred and seventy-three to eleven hundred and seventy-eight, inclusive, Translation of decisions; section eleven hundred and eighty-eight, Clerks of court; sections thirteen hundred and twenty-nine, thirteen hundred and thirty-one, thirteen hundred and thirty-two, thirteen hundred and forty-seven to thirteen hundred and fifty-four, inclusive, Juries; sections fifteen hundred and nine to fifteen hundred and fourteen, inclusive, Maritime matters; chapter one hundred and two, Naturalization; section sixteen hundred and seventy-eight, Habeas corpus; chapter one hundred and eight, Arrest of debtors; subdivisions six, seven, ten, twelve to fourteen of section seventeen hundred and thirty-six, Garnishment; sections seventeen hundred and fifty-five to seventeen hundred and fifty-eight, inclusive, Liens on vessels; chapter one hundred and sixteen, Bankruptcy, and sections eighteen hundred and twenty-eight to eighteen hundred and thirty-two, inclusive, Water rights.

PENAL LAWS: Chapter six, Treason; section sixty-five to sixty-seven, inclusive, Foot binding; chapter seventeen, Violation of postal laws; section three hundred and fourteen, Blasphemy; sections three hundred and seventy-one to three hundred and seventy-two, inclusive, Vagrants; sections four hundred and eleven to four hundred and thirteen, inclusive, Manufacture of liquors; chapter forty-three, Offenses on the high seas and other waters; sections five hundred and ninety-five and six hundred and two to six hundred and five, inclusive, Jurisdiction; section six hundred and twenty-three, Procedure; sections seven hundred and seven hundred and one, Imports; section seven hundred and fifteen, Auction license; section seven hundred and forty-five, Commercial travelers; sections seven hundred and forty-eight to seven hundred and fifty-five, inclusive, Firearms; sections seven hundred and ninety-six to eight hundred and nine, inclusive, Coasting trade; sections eight hundred and eleven and eight

hundred and twelve, Peddling foreign goods; sections eight hundred and thirteen to eight hundred and fifteen, inclusive, Importation of live stock; section eight hundred and nineteen, Imports; sections eight hundred and eighty-six to nine hundred and six, inclusive, Quarantine; section eleven hundred and thirty-seven, Consuls and consular agents; chapter sixty-seven, Whale ships; sections eleven hundred and forty-five to eleven hundred and seventy-nine, inclusive, and twelve hundred and four to twelve hundred and nine, inclusive, Arrival, entry, and departure of vessels; chapters sixty-nine to seventy-six, inclusive, Navigation and other matters within the exclusive jurisdiction of the United States; sections thirteen hundred and forty-seven and thirteen hundred and forty-eight, Fraudulent exportation; chapter seventy-eight, Masters and servants; chapter ninety-three, Immigration; sections sixteen hundred and one, sixteen hundred and eight, and sixteen hundred and twelve, Agriculture and forestry; chapter ninety-six, Seditious offenses; and chapter ninety-nine, Sailing regulations.

SESSION LAWS: Act fifteen, Elections; Act twenty-six, Duties; Act twenty-seven, Exemptions from duties; Act thirty-two, Registry of vessels; section four of Act thirty-eight, Importation of live stock; Act forty-eight, Pacific cable; Act sixty-five, Consolidation of public debt; Act sixty-six, Ports of entry; and Act sixty-eight, Chinese immigration.

CERTAIN OFFICES ABOLISHED.

SEC. 8. That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor general, surveyor-general, marshal, and deputy marshal of the Republic of Hawaii are hereby abolished.

AMENDMENT OF OFFICIAL TITLES.

SEC. 9. That wherever the words "President of the Republic of Hawaii," or "Republic of Hawaii," or "Government of the Republic of Hawaii," or their equivalents, occur in the laws of Hawaii not repealed by this Act, they are hereby amended to read "Governor of the Territory of Hawaii," or "Territory of Hawaii," or "Government of the Territory of Hawaii," or their equivalents, as the context requires.

CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this Act shall continue to be as effectual as if this Act had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this Act, or shall be repealed or changed by law. No person shall be subject to imprisonment for nonpayment of taxes nor for debt. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this Act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii: Provided, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: Provided further, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

That all contracts made since August twelfth, eighteen hundred and ninety-

eight, by which persons are held for service for a definite term, are here declared null and void and terminated, and no law shall be passed to enfor said contracts in any way; and it shall be the duty of the United States ma shal to at once notify such persons so held of the termination of their contrac

That the Act approved February twenty-sixth, eighteen hundred and eight five, "To prohibit the importation and migration of foreigners and aliens und contract or agreement to perform labor in the United States, its Territorie and the District of Columbia," and the Acts amendatory thereof and suppl mental thereto, be, and the same are hereby, extended to and made applicab to the Territory of Hawaii.

STYLE OF PROCESS.

SEC. 11. That the style of all process in the Territorial courts shall her after run in the name of "The Territory of Hawaii," and all prosecutions sha be carried on in the name and by the authority of the Territory of Hawaii.

CHAPTER II.—THE LEGISLATURE.

THE LEGISLATIVE POWER.

SEC. 12. That the legislature of the Territory of Hawaii shall consist two houses, styled, respectively, the senate and house of representatives, whi shall organize and sit separately, except as otherwise herein provided.

The two houses shall be styled "The legislature of the Territory of Hawaii

SEC. 13. That no person shall sit as a senator or representative in th legislature unless elected under and in conformity with this Act.

GENERAL ELECTIONS.

SEC. 14. That a general election shall be held on the Tuesday next aft the first Monday in November, nineteen hundred, and every second year ther after: Provided, however, That the governor may, in his discretion, on thir days' notice, order a special election before the first general election, if, his opinion, the public interests shall require a special session of the legislatu

EACH HOUSE JUDGE OF QUALIFICATIONS OF MEMBERS.

SEC. 15. That each house shall be the judge of the elections, returns, a qualifications of its own members.

DISQUALIFICATIONS OF LEGISLATORS.

SEC. 16. That no member of the legislature shall, during the term f which he is elected, be appointed or elected to any office of the Territory Hawaii.

DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

SEC. 17. That no person holding office in or under or by authority of th Government of the United States or of the Territory of Hawaii shall be eligib to election to the legislature, or to hold the position of a member of the san while holding said office.

SEC. 18. No idiot or insane person, and no person who shall be expelle from the legislature for giving or receiving bribes or being accessory theret and no person who, in due course of law, shall have been convicted of an criminal offense punishable by imprisonment, whether with or without har labor, for a term exceeding one year, whether with or without fine, shall re ister to vote or shall vote or hold any office in, or under, or by authority o the government, unless the person so convicted shall have been pardoned an restored to his civil rights.

OATH OF OFFICE.

SEC. 19. That every member of the legislature, and all officers of the go ernment of the Territory of Hawaii, shall take the following oath or affirma tion:

I solemnly swear (or affirm), in the presence of Almighty God, that I wi faithfully support the Constitution and laws of the United States, and conscien tiously and impartially discharge my duties as a member of the legislature, o

as an officer of the government of the Territory of Hawaii (as the case may be).

OFFICERS AND RULES.

SEC. 20. That the senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Act, and keep a journal.

AYES AND NOES.

SEC. 21. That the ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal.

QUORUM.

SEC. 22. That a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled.

SEC. 23. That a smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 24. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present.

PUNISHMENT OF PERSONS NOT MEMBERS.

SEC. 25. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

COMPENSATION OF MEMBERS.

SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of six hundred dollars for each regular session, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of two hundred dollars for each special session: Provided, That they shall receive no compensation for any extra session held under the provisions of section fifty-four of this Act. [As amended by s. 2, act of May 27, 1910.]

PUNISHMENT OF MEMBERS.

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

EXEMPTION FROM LIABILITY.

SEC. 28. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

EXEMPTION FROM ARREST.

SEC. 29. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same: Provided, That such privilege as to going and returning shall not cover a period of over ten days each way.

The Senate.

NUMBER OF MEMBERS.

SEC. 30. That the Senate shall be composed of fifteen members, who shall hold office for four years: Provided, however, That of the senators elected at the first general election, two from the first district, one from the second, three from the third, and one from the fourth district shall hold office for two years only, the details of such apportionment to be provided for by the legislature.

VACANCIES.

SEC. 31. That vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections.

SENATORIAL DISTRICTS.

SEC. 32. That for the purpose of representation in the senate, until otherwise provided by law, the Territory is divided into the following senatorial districts, namely:

First district: The island of Hawaii.

Second district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district: The island of Oahu.

Fourth district: The islands of Kauai and Niihau.

SEC. 33. That the electors in the said districts shall be entitled to elect senators as follows:

In the first district, four;

In the second district, three;

In the third district, six;

In the fourth district, two.

QUALIFICATIONS OF SENATORS.

SEC. 34. That in order to be eligible to election as a senator a person shall—

Be a male citizen of the United States;

Have attained the age of thirty years;

Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he is elected.

The House of Representatives.

NUMBER OF REPRESENTATIVES.

SEC. 35. That the house of representatives shall be composed of thirty members, elected, except as herein provided, every second year.

TERM OF OFFICE.

SEC. 36. That the term of office of the representatives elected at any general or special election shall be until the next general election held thereafter.

VACANCIES.

SEC. 37. That vacancies in the office of representative caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections.

REPRESENTATIVE DISTRICTS.

SEC. 38. That for the purpose of representation in the house of representatives, until otherwise provided by law, the Territory is divided into the following representative districts, namely:

First district: That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the island of Oahu lying east and south of Nuuanu street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth district: That portion of the island of Oahu lying west and north of the fourth district.

Sixth district: The islands of Kauai and Nuhau.

APPORTIONMENT.

SEC. 39. That the electors in the said districts shall be entitled to elect representatives as follows:

In the first district, four;
In the second district, four;
In the third district, six;
In the fourth district, six;
In the fifth district, six;
In the sixth district, four.

QUALIFICATIONS OF REPRESENTATIVES.

SEC. 40. That in order to be eligible to be a member of the house of representatives a person shall, at the time of election—

Have attained the age of twenty-five years;
Be a male citizen of the United States;
Have resided in the Hawaiian Islands not less than three years;
And shall be qualified to vote for representatives in the district from which he is elected.

LEGISLATION.

SESSIONS OF THE LEGISLATURE.

SEC. 41. That the first regular session of the legislature shall be held on the third Wednesday in February, nineteen hundred and one, and biennially thereafter, in Honolulu.

SEC. 42. That neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other.

SEC. 43. That each session of the legislature shall continue not longer than sixty days, excluding Sundays and holidays: Provided, however, That the governor may extend such session for not more than thirty days.

The governor may convene the legislature, or the senate alone, in special session, and, in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place.

ENACTING CLAUSE—ENGLISH LANGUAGE.

SEC. 44. That the enacting clause of all laws shall be, "Be it enacted by the legislature of the Territory of Hawaii."

All legislative proceedings shall be conducted in the English language.

TITLE OF LAWS.

SEC. 45. That each law shall embrace but one subject, which shall be expressed in its title.

READING OF BILLS.

SEC. 46. That a bill in order to become a law shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

SEC. 47. That every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

SIGNING BILLS.

SEC. 48. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor.

VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

PROCEDURE UPON RECEIPT OF VETO.

SEC. 50. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become law.

FAILURE TO SIGN OR VETO.

SEC. 51. That if the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such ten days.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevents its return, in which case it shall not be a law.

APPROPRIATIONS.

SEC. 52. That appropriations, except as herein otherwise provided, shall be made by the legislature. [As amended by s. 3, act of May 27, 1910.]

SEC. 53. That the governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period.

SEC. 54. That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this Act shall take effect, shall be available to the government of the Territory of Hawaii.

LEGISLATIVE POWER.

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches,

libraries, or any other benevolent, charitable, or scientific association: Provided, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States, but existing vested rights in real estate shall not be impaired. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, harbor, and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed one per centum of the assessed value of the property in the Territory or subdivision, respectively, as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond seven per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond three per centum of such assessed value of property in the subdivision, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States: Provided, That the legislature may by general act provide for the condemnation of property for public uses, including the condemnation of rights of way for the transmission of water for irrigation and other purposes. [As amended by s. 4, act of May 27, 1910.]

TOWN, CITY, AND COUNTY GOVERNMENT.

SEC. 56. That the legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof, and all officials thereof shall be appointed or elected, as the case may be, in such manner as shall be provided by the Governor and legislature of the Territory. [As amended by act of March 3, 1905.]

ELECTIONS.

EXEMPTION OF ELECTORS ON ELECTION DAY.

SEC. 57. That every elector shall be privileged from arrest on election day during his attendance at election and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony.

SEC. 58. That no elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote.

METHOD OF VOTING FOR REPRESENTATIVES.

SEC. 59. That each voter for representative may cast a vote for as many representatives as are to be elected from the representative district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall—

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of twenty-one years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Be able to speak, read, and write the English or Hawaiian language.

METHOD OF VOTING FOR SENATORS.

SEC. 61. That each voter for senator may cast one vote for each senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

QUALIFICATIONS OF VOTERS FOR SENATORS AND IN ALL OTHER ELECTIONS.

SEC. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this Act of voters for representatives.

SEC. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

SEC. 64. That the rules and regulations for administering oaths and holding elections set forth in Ballou's Compilation, Civil Laws, Appendix, and the list of registering districts and precincts appended, are continued in force with the following changes, to wit:

Strike out the preliminary proclamation and sections one to twenty-six, inclusive, sections thirty and thirty-nine, the second and third paragraphs of section forty-eight, the second paragraph of section fifty, and sections sixty-two, sixty-three, and sixty-six, second paragraph of section one hundred.

In section twenty-nine strike out all after the word "Niihau" and in lieu thereof insert: "The boards of registration existing at the date of the approval of this Act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the senate, whose terms of office shall be four years. Appointments made by the governor when the senate is not in session shall be valid until the succeeding meeting of that body."

In section thirty-one strike out "the first day of April and the thirtieth day of June, in the year eighteen hundred and ninety-seven," an insert in lieu thereof "the last day of August and the tenth day of October, in the year nineteen hundred."

Strike out the words "and the detailed record" in sections fifty-two and one hundred and twelve.

Strike out "marshal" wherever it occurs and insert in lieu thereof "high sheriff."

Strike out of section fifty-three the words "except as provided in section one hundred and fourteen hereof."

In sections fifty-three, fifty-four, fifty-six, fifty-seven, fifty-nine, sixty, seventy-one, seventy-five, eighty-six, ninety-two, ninety-three, ninety-four, ninety-

five, one hundred and eleven, one hundred and twelve, and one hundred and thirteen strike out the words "minister" and "minister of the interior" wherever they occur and insert in lieu thereof the words "secretary of the Territory."

In section fifty-six, paragraph three, strike out "interior office" and insert "office of the secretary of the Territory."

In section fifty-six, first paragraph, after the words "candidate for election" insert "to the legislature;" and in the last paragraph strike out the word "only."

Strike out the word "elective" in section sixty-four.

In sections twenty-seven, sixty-four, sixty-five, sixty-eight, seventy, and seventy-two strike out the words "minister of the interior" or "minister" wherever they occur and insert in lieu thereof the word "governor."

Amend section sixty-seven so that it will read: "At least forty days before any election the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory, or where such election is to be held."

In section seventy-five strike out the word "perfectly," and in section seventy-six strike out "in" and insert "on."

In section one hundred and twelve strike out "interior department" and insert in lieu thereof "office of the secretary of the Territory."

In section one hundred and fourteen strike out the word "Republic" wherever it occurs and insert in lieu thereof "Territory."

In section one hundred and fifteen strike out the words "minister" and "minister of the interior" and insert in lieu thereof "treasurer," and strike out all after the word "refreshments:" Provided, however, That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

SEC. 65. That the legislature of the Territory may from time to time establish and alter the boundaries of election districts and voting precincts and apportion the senators and representatives to be elected from such districts.

CHAPTER III.—THE EXECUTIVE.

THE EXECUTIVE POWER.

SEC. 66. That the executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age, shall be a citizen of the Territory of Hawaii; shall be commander in chief of the militia thereof; may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.

ENFORCEMENT OF LAW.

SEC. 67. That the governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or rebellion in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President and his decision therein made known.

GENERAL POWERS OF THE GOVERNOR.

SEC. 68. That all the powers and duties which, by the laws of Hawaii, are conferred upon or required of the President or any minister of the Republic

of Hawaii (acting alone or in connection with any other officer or person or body) or the cabinet or executive council, and not inconsistent with the Constitution or laws of the United States, are conferred upon and required of the governor of the Territory of Hawaii, unless otherwise provided.

SECRETARY OF THE TERRITORY.

SEC. 69. That there shall be a secretary of the said Territory, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall record and preserve all the laws and proceedings of the legislature and all acts and proceedings of the governor, and promulgate proclamations of the governor. He shall, within thirty days after the end of each session of the legislature, transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session. He shall transmit to the President, semiannually, on the first days of January and July, a copy of the executive proceedings, and shall perform such other duties as are prescribed in this Act or as may be required of him by the legislature of Hawaii.

ACTING GOVERNOR IN CERTAIN CONTINGENCIES.

SEC. 70. That in case of the death, removal, resignation, or disability of the governor, or his absence from the Territory, the secretary shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified.

ATTORNEY-GENERAL.

SEC. 71. That there shall be an attorney-general, who shall have the powers and duties of the attorney-general and those of the powers and duties of the minister of the interior which relate to prisons, prisoners, and prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

TREASURER.

SEC. 72. That there shall be a treasurer, who shall have the powers and duties of the minister of finance and those of the powers and duties of the minister of the interior which relate to licenses, corporations, companies, and partnerships, business conducted by married women, newspapers, registry of conveyances, and registration of prints, labels, and trade-marks under the laws of Hawaii, except as changed in this Act and subject to modification by the legislature.

COMMISSIONER OF PUBLIC LANDS.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii, between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and ninety-nine, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent," "commissioner of public lands" for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the gov-

ernment of the Territory of Hawaii for a longer period than fifteen years, and in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn, and every such lease shall contain a provision to that effect. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: Provided, there shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order or orders, by the President of the United States.

No person shall hereafter be entitled to receive any certificate of occupation, right of purchase, lease, cash freehold agreement or special homestead agreement who or whose husband or wife shall previously have taken or held any land under any such certificate, lease, or agreement hereafter made or issued, or under any homestead lease or patent based thereon; or who or whose husband or wife, or both of them, shall then own other land in the Territory, the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease, or agreement, continue so to hold or become entitled to a homestead lease or patent of the land, unless he shall have become a citizen within five years after so taking.

No land for which any such certificate, lease, or agreement shall hereafter be issued, or any part thereof or interest therein or control thereof shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased, or otherwise transferred to or acquired or held by or for the benefit of any alien or corporation; or, before or after the issuance of a homestead lease or before the issuance of a patent, to or by or for the benefit of any other person; or, after the issuance of a patent to or by or for the benefit of any person who owns, holds, or controls, directly or indirectly, other land or the use thereof the combined area of which and the land in question exceeds eighty acres: Provided, That these prohibitions shall not apply to transfers or acquisitions by inheritance or between tenants in common.

Any land in respect of which any of the foregoing provisions shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceedings. And noncompliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor before patent has been issued, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate: Provided, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval upon its appearing that an effort has been made in good faith to comply therewith.

The persons entitled to take under any such certificate, lease, or agreement shall be determined by drawing or lot, after public notice as hereinafter provided; and any lot not taken or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease, or agreement without further notice. The notice of any sale, drawing, or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory.

The commissioner, with the approval of the governor, may give to any citizen of the United States or to any person who has legally declared his

intention to become a citizen, and who shall hereafter become such, which said person has, or who and whose predecessors in interest have, improved any parcel of public lands and resided thereon continuously since April thirtieth, nineteen hundred, a preference right to purchase so much of such parcel and such adjoining land as may reasonably be required for a home, at a fair price, to be determined by three disinterested citizens appointed by the governor, in the determination of which price the value of improvements shall, when deemed just and reasonable, be disregarded: Provided, however, That this privilege shall not extend to any original lessee or to an assignee of an entire lease of public lands.

The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than five years heretofore and still occupied by it as a church site under the laws of Hawaii.

No sale of lands for other than homestead purposes, except as herein provided, and no exchange by which the Territory shall convey lands exceeding either forty acres in area or five thousand dollars in value shall be made. No lease of agricultural lands exceeding forty acres in area, or of pastoral or waste lands exceeding two hundred acres in area, shall be made without the approval of two-thirds of the board of public lands which is hereby constituted, the members of which are to be appointed by the governor as provided in section eighty of this Act, and until the legislature shall otherwise provide said board shall consist of six members and its members be appointed for terms of four years; Provided, however, That the commissioner may, with the approval of said board, sell for residence purposes lots and tracts, not exceeding three acres in area, and that sales of government lands may be made upon the approval of said board whenever necessary to locate thereon railroad rights of way, railroad tracks, side tracks, depot grounds, pipe lines, irrigation ditches, pumping stations, reservoirs, factories and mills and appurtenances thereto, including houses for employees, mercantile establishments, hotels, churches, and private schools, and all such sales shall be limited to the amount actually necessary for the economical conduct of such business or undertaking: Provided, further, That no exchange of government lands shall hereafter be made without the approval of two-thirds of the members of said board, and no such exchange shall be made except to acquire lands directly for public uses.

Whenever twenty-five or more persons, having the qualifications of homesteaders who have not heretofore made application under this act shall make written application to the commissioner of public lands for the opening of agricultural lands for settlement in any locality or district, it shall be the duty of said commissioner to proceed expeditiously to survey and open for entry agricultural lands, whether unoccupied or under lease with the right of withdrawal, sufficient in area to provide homesteads for all such persons, together with all persons of like qualification who shall have filed with such commissioner prior to the survey of such lands written applications for homesteads in the district designated in said applications. The lands to be so opened for settlement by said commissioner shall be either the specific tract or tracts applied for or other suitable and available agricultural lands in the same geographical district and, as far as possible, in the immediate locality of and as nearly equal to that applied for as may be available: Provided, however, That no leased land, under cultivation, shall be taken for homesteading until any crops growing thereon shall have been harvested.

It shall be the duty of the commissioner of public lands to cause to be surveyed and opened for homestead entry a reasonable amount of desirable agricultural lands and also of pastoral lands in various parts of the Territory for homestead purposes on or before January first, nineteen hundred and eleven, and he shall annually thereafter cause to be surveyed for homestead purposes such amount of agricultural lands and pastoral lands in various parts of the Territory as there may be demand for by persons having the qualifications of homesteaders; and in laying out any homestead the commissioner of public lands shall include therein an amount, not exceeding eighty acres in area, suffi-

cient to support thereon an ordinary family; and all necessary expenses for surveying and opening any such lands for homestead shall be paid for out of any funds of the territorial treasury derived from the sale or lease of the public lands, which funds are hereby made available for such purposes.

Nothing herein contained shall be construed to prevent said commissioner from surveying and opening for homestead purposes and as a single homestead entry public lands suitable for both agricultural and pastoral purposes, whether such lands be situated in one body or detached tracts, to the end that homesteaders may be provided with both agricultural and pastoral lands wherever there is a demand therefor; nor shall the ownership of a residence lot or tract, not exceeding three acres in area, hereafter disqualify any citizen from applying for and receiving any form of homestead entry, including a homestead lease.

All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. [As amended by act of April 2, 1908; and by act of May 27, 1910.]

COMMISSIONER OF AGRICULTURE AND FORESTRY.

SEC. 74. That the laws of Hawaii relating to agriculture and forestry, except as changed by this act, shall continue in force, subject to modification by Congress or the legislature. In said laws "commissioners of agriculture and forestry" shall be substituted, respectively, for "bureau," "bureau of agriculture and forestry," "commissioner," "commissioner of agriculture," and "commissioners for the island of Oahu."

SUPERINTENDENT OF PUBLIC WORKS.

SEC. 75. That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fireproof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii, except as changed by this act and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

SEC. 76. There shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by this act, and subject to modification by the legislature.

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in reports in nineteen hundred and five, and every five years thereafter, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social,

educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said commissioner is especially charged to ascertain the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress. [As amended by act of April 8, 1904.]

AUDITOR AND DEPUTY AUDITOR.

SEC. 77. That there shall be an auditor and deputy auditor, who shall have the powers and duties conferred upon and required of the auditor-general and deputy auditor-general, respectively, by act thirty-nine of the Session Laws, as amended by this act, subject to modification by the legislature. In said act "officer" shall be substituted for "minister" where used without other designation.

SURVEYOR.

SEC. 78. That there shall be a surveyor, who shall have the powers and duties heretofore attached to the surveyor-general, except such as relate to the geodetic survey of the Hawaiian Islands.

HIGH SHERIFF.

SEC. 79. That there shall be a high sheriff and deputies, who shall have the powers and duties of the marshal and deputies of the Republic of Hawaii under the laws of Hawaii, except as changed by this act, and subject to modification by the legislature.

APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS.

SEC. 80. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose term of office shall be as provided by the laws of the Territory of Hawaii.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii.

All persons holding office in the Hawaiian Islands at the time this act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided.

Provided, however, That nothing in this section shall be construed to conflict with the authority and powers conferred by Section fifty-six of this act as herein amended. [As amended by act of March 3, 1905.]

CHAPTER IV.

THE JUDICIARY.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided.

SUPREME COURT.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: Provided, however, That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law.

LAWS CONTINUED IN FORCE.

SEC. 83. That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this act, are continued in force, subject to modification by Congress, or the legislature. The provisions of said laws or any laws of the Republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male citizen of the United States and twenty-one years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race. Until otherwise provided by the legislature of the Territory, grand juries may be drawn in the manner provided by the Hawaiian statutes for drawing petty juries, and shall sit at such times as the circuit judges of the respective circuits shall direct; the number of grand jurors in each circuit shall be not less than thirteen, and the method of the presentation of cases to said grand jurors shall be prescribed by the supreme court of the Territory of Hawaii. The several circuit courts may subpœna witnesses to appear before the grand jury in like manner as they subpœna witnesses to appear before their respective courts.

DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated. [As amended by act of May 27, 1910.]

CHAPTER V.

UNITED STATES OFFICERS.

DELEGATE TO CONGRESS.

SEC. 85. That a delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature. Such

delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii.

Such election shall be held on the first Tuesday after the first Monday in November of every even year and at such places as shall be designated by the secretary of the Territory. The ballot for delegate shall be such as the legislature of Hawaii may designate, and until provision is made by the territorial legislature the ballot shall be of pink paper and shall be of the same general form as those used for the election of representatives to the legislature.

The method of certifying the names of candidates for place on this ballot and all the conduct of the election of a delegate shall be in conformity to the general election laws of the Territory of Hawaii.

The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly.

Every such delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting. In case of a vacancy occurring in the office of delegate, the governor of the Territory is directed to call a special election to fill such vacancy: Provided, however, That no vacancy shall be filled which occurs within five months of the expiration of a congressional term.

The legislature of the Territory of Hawaii shall have the right to alter or amend any part of the election laws of said Territory, including those providing for an election of delegate to Congress, and its action shall be the law, with full binding force, until altered, amended, or repealed by Congress. [As amended by act of June 28, 1906.]

FEDERAL COURT.

SEC. 86. There shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of six thousand dollars. The said court while in session shall be presided over by only one of said judges. The two judges shall from time to time, either by order or rules of court, prescribe at what times and in what class of cases each of them shall preside. The said two judges shall have the same powers in all matters coming before said court.

The president of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, and said judges, attorney, and marshal shall hold office for six years unless sooner removed by the President.

The said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and the said judges, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States.

Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeal as provided by law, and appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district and circuit courts of the United States to the Supreme Court, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several states shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October,

and special terms may be held at such times and places in said district as the said judges may deem expedient. The said district judges shall appoint a clerk of said court at a salary of three thousand dollars per annum and shall appoint a reporter of said court at a salary of one thousand two hundred dollars per annum: Provided, That writs of error and appeals may also be taken from the supreme court of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of five thousand dollars. [As amended by act of March 3, 1905, and by act of March 3, 1909.]

INTERNAL-REVENUE DISTRICT.

SEC. 87. That the Territory of Hawaii shall constitute a district for the collection of the internal revenue of the United States, with a collector, whose office shall be at Honolulu, and deputy collectors at such other places in the several islands as the Secretary of the Treasury shall direct.

CUSTOMS DISTRICT.

SEC. 88. That the Territory of Hawaii shall comprise a customs district of the United States, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului.

CHAPTER VI.

MISCELLANEOUS.

REVENUES FROM WHARVES.

SEC. 89. That until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

SEC. 90. That Hawaiian postage stamps, postal cards, and stamped envelopes at the postoffices of the Hawaiian Islands when this act takes effect shall not be sold, but, together with those that shall thereafter be received at such office as herein provided, shall be canceled under the direction of the Postmaster-General of the United States; those previously sold and uncanceled shall, if presented at such offices within six months after this act takes effect, be received at their face value in exchange for postage stamps, postal cards, and stamped envelopes of the United States of the same aggregate face value and, so far as may be, of such denominations as desired.

SEC. 91. That, except as otherwise provided, the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the Governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric, and other public works, penal, charitable, scientific, and educational intitutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof by direction of the governor when thereunto authorized by the legislature. [As amended by act of May 27, 1910.]

SEC. 92. That the following officers shall receive the following annual salaries to be paid by the United States: The governor, seven thousand dollars; the secretary of the Territory, four thousand dollars; the chief justice of the supreme court of the Territory, six thousand dollars; the associate justices of the supreme court, five thousand five hundred dollars each; the judges of the circuit courts, four thousand dollars each; the United States district attorney, four thousand dollars; the United States marshal, three thousand dollars. And the governor shall receive annually, in addition to his salary, the sum of five hundred dollars for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business and the sum of two thousand dollars annually for his private secretary. [As amended by act of May 27, 1910.]

IMPORTS FROM HAWAII INTO THE UNITED STATES.

SEC. 93. That imports from any of the Hawaiian Islands, into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July seventh, eighteen hundred and ninety-eight, and before this act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

INVESTIGATION OF FISHERIES.

SEC. 94. That the Commissioner of Fish and Fisheries of the United States is empowered and required to examine into the entire subject of fisheries and the laws relating to the fishing rights in the Territory of Hawaii, and report to the President touching the same, and to recommend such changes in said laws as he shall see fit.

REPEAL OF LAWS CONFERRING EXCLUSIVE FISHING RIGHTS.

SEC. 95. That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this act unless established as hereinafter provided.

PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

SEC. 96. That any person who claims a private right to any such fishery shall, within two years, after the taking effect of this act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

QUARANTINE.

SEC. 97. That quarantine stations shall be established at such places in the Territory of Hawaii as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Marine-Hospital Service of the United States, and said quarantine grounds

shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States.

SEC. 98. That all vessels carrying Hawaiian registers on the twelfth day of August, eighteen hundred and ninety-eight, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, Star of France, Euterpie, Star of Russia, Falls of Clyde, and Wilscott, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid and any other portion of the United States, shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

SEC. 99. That the portion of the public domain heretofore known as Crown land is hereby declared to have been, on the twelfth day of August, eighteen hundred and ninety-eight, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

SEC. 100. That for the purposes of naturalization under the laws of the United States residence in the Hawaii Islands prior to the taking effect of this act shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands.

All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June twenty-ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized. [As amended by act of May 27, 1910.]

SEC. 101. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an act approved November third, eighteen hundred and ninety-three, entitled "An Act to amend an Act entitled 'An Act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: Provided, however, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

SEC. 102. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an act entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States," approved July seven, eighteen hundred and ninety-eight, shall pay the amounts on deposit in the Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their de-

mands for payment. So much money as is necessary to pay said demands is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available on and after the first day of July, nineteen hundred, when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory, and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the governments of the United States or of Hawaii.

SEC. 103. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the first day of July, nineteen hundred and one, and any assets of said bank shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

SEC. 104. This act shall take effect forty-five days from and after the date of the approval thereof, excepting only as to section fifty-two, relating to appropriations, which shall take effect upon such approval.

Approved, April 30, 1900.

PANAMA CANAL ZONE—1912.*

An Act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the zone of land and land under water of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea three marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of three marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November eighteen, nineteen hundred and three, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and any lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the twenty-sixth day of February, nineteen hundred and four, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized, by treaty with the Republic of Panama, to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land, or land under water not deemed necessary for such purposes for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until the courts provided for in this act shall be established.

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

* The Panama Canal Zone was secured by the treaty of November 18, 1903, with the Republic of Panama, by which the United States acquired perpetual ownership of a strip of territory ten miles in width extending across the Isthmus of Panama. By the provisions of the act of April 28, 1904, the President was authorized to provide a government for the Canal Zone, and this was done by a series of executive orders beginning May 9, 1904. A second act was passed on February 27, 1909. The present government of the Canal Zone was established by the act of August 24, 1912.

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed, governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this Act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of ten thousand dollars a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, operation, and protection of the Panama Canal and Canal Zone shall be appointed by the President, or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than twenty-five per centum the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States. That upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Before the completion of the canal, the Commission of Arts may make report to the President of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: Provided, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. That section forty-one hundred and thirty-two of the Revised Statutes is hereby amended to read as follows:

"Sec. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are engaged only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by the citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: Provided, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section thirty-seven of the act approved August fifth, nineteen hundred and nine, entitled 'An Act to provide revenue, equalize duties, and encourage the

industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: Provided further, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the Act of March third, eighteen hundred and ninety-one, entitled 'An Act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said Act."

Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed one dollar and twenty-five cents per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article nineteen of the convention between the United States and the Republic of Panama, entered into November eighteen, nineteen hundred and three. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of one dollar and twenty-five cents per net registered ton as nearly as the same may be determined, nor be less than the equivalent of seventy-five cents per net registered ton. The toll for each passenger shall not be more than one dollar and fifty cents. The President is authorized to make and from time to time amend regulations governing the operation of the Panama Canal, and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters.

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation.

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Company, if said company was responsible for said injury, as the case may require. And after such method and schedule shall be provided by the President, the provisions of the act entitled "An Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May thirtieth, nineteen hundred and eight, and of the act entitled "An Act relating to injured employees on the Isthmian Canal," approved February twenty-fourth, nineteen hundred and nine, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, subject to the International Convention and the Act of Congress to regulate radio-communication, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal, and for other purposes. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: Provided, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States. The President is also authorized to establish, maintain, and operate, through the Panama Railroad Company or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed three hundred dollars, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of one hundred dollars, or imprisonment not exceeding thirty days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section ten of this act, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts, shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law

regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa, and the other including Cristobal, and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases, of offenses arising under section ten of this act, all causes in equity; admiralty and all cases at law involving principal sums exceeding three hundred dollars and all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district court or the judge thereof shall also have jurisdiction of all other matters and proceedings not herein provided for which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said district. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and to do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office nor serve on any official board or commission nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States and shall appoint the clerk of said court, and may appoint one assistant when necessary, who shall receive salaries to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence or during any period of disability or disqualification from sickness or otherwise to discharge his duties the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of five thousand dollars per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the supreme court of the Canal Zone, shall cease to exist. The President may continue the supreme court of the Canal Zone and retain the judges

thereon in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the District Court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States, is involved and a right thereunder denied, and in cases in which the value in controversy exceeds one thousand dollars, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding five hundred dollars or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding ten thousand dollars or by imprisonment not exceeding twenty years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

SEC. 11. That section five of the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the first day of July, nineteen hundred and fourteen, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other

carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July first, nineteen hundred and fourteen. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: Provided, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July first, nineteen hundred and fourteen, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July second, eighteen hundred and ninety, entitled "An act to protect trade and commerce against unlawful restrains and monopolies," or the provisions of sections seventy-three to seventy-seven, both inclusive, of an Act approved August twenty-seventh, eighteen hundred and ninety-four, entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other Act of Congress amending or supplementing the said Act of July second, eighteen hundred and ninety, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the Act of August twenty-seventh, eighteen hundred and ninety-four. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section six of said Act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a

spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the Act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the Act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section fifteen of the Act to regulate commerce, as amended June eighteenth, nineteen hundred and ten, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

SEC. 14. That this Act shall be known as, and referred to as, the Panama Canal Act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved.

Approved, August 24, 1912.

ORGANIC ACT OF THE PHILIPPINE ISLANDS—1916.*

An Act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands.

Whereas, it was never the intention of the people of the United States in the incipiency of the War with Spain to make it a war of conquest or for territorial aggrandizement; and

Whereas it is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established therein; and

Whereas for the speedy accomplishment of such purpose it is desirable to place in the hands of the people of the Philippines as large a control of their domestic affairs as can be given them without, in the meantime, impairing the exercise of the rights of sovereignty by the people of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be the better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act and the name "The Philippines" as used in this Act shall apply to and include the Philippine Islands ceded to the United States Government by the treaty of peace concluded between the United States and Spain on the eleventh day of April, eighteen hundred and ninety-nine, the boundaries of which are set forth in Article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the seventh day of November, nineteen hundred.

SEC. 2. That all inhabitants of the Philippine Islands who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in said islands, and their children born subsequent thereto, shall be deemed and held to be citizens of the Philippine Islands, except such as shall have elected to preserve their allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the United States and Spain, signed at Paris December tenth, eighteen hundred and ninety-eight, and except such others as have since become citizens of some other country: Provided, That the Philippine Legislature, herein provided for, is hereby authorized to provide by law, for the acquisition of Philippine citizenship by those natives of the Philippine Islands who do not come within the foregoing provisions, the natives of the insular possessions of the United States, and such other persons residing in the Philippine Islands who are citizens of the United States, or who could become citizens of the United States under the laws of the United States if residing therein.

SEC. 3. That no law shall be enacted in said islands which shall deprive any person of life, liberty, or property without due process of law, or deny

*The archipelago known as the Philippine Islands was ceded to the United States by Spain at the close of the Spanish-American War by the terms of the Treaty of Paris of December 10, 1898, and in consideration of the payment of $20,000,000. From the date of the military occupation, until September 1, 1900, the Islands were governed exclusively by the military authorities under the war powers of the President. For several months thereafter, the governmental authority was divided between the military department and a commission appointed by the President. By the act of March 2, 1901, and July 1, 1902, a temporary civil government was established and the military government was completely terminated on July 4, 1902. The acts of 1902, as amended by the act of February 6, 1905, and other subsequent acts, remained the fundamental law of the Islands, until superseded by the present civil government act of August 29, 1916. The federal laws pertaining to the Philippine Islands, prior to the passage of the act of August 29, 1916, are embraced in Sections 3804-3915, inclusive, of the United States Compiled Statutes of 1913.

to any person therein the equal protection of the laws. Private property shall not be taken for public use without just compensation.

That in all criminal prosecutions the accused shall enjoy the right to be heard by himself and counsel, to demand the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to compel the attendance of witnesses in his behalf.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the Governor General, wherever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted nor shall the law of primogeniture ever be in force in the Philippines.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust in said islands shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That slavery shall not exist in said islands; nor shall involuntary servitude exist therein except as a punishment for crime whereof the party shall have been duly convicted.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed; and no religious test shall be required for the exercise of civil or political rights. No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such. Contracting of polygamous or plural marriages hereafter is prohibited. That no law shall be construed to permit polygamous or plural marriages.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law.

That the rule of taxation in said islands shall be uniform.

That no bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill.

That no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

That all money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury and paid out for such purpose only.

SEC. 4. That all expenses that may be incurred on account of the Government of the Philippines for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the

internal improvement or development of the islands, not, however, including defenses, barracks, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the Government of the Philippines.

SEC. 5. That the statutory laws of the United States hereafter enacted shall not apply to the Philippine Islands, except when they specifically so provide, or it is so provided in this Act.

SEC. 6. That the laws now in force in the Philippines shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended, or repealed by the legislative authority herein provided or by Act of Congress of the United States.

SEC. 7. That the legislative authority herein provided shall have power, when not inconsistent with this Act, by due enactment to amend, alter, modify, or repeal any law, civil or criminal, continued in force by this Act as it may from time to time see fit.

This power shall specifically extend with the limitation herein provided as to the tariff to all laws relating to revenue and taxation in effect in the Philippines.

SEC. 8. That general legislative power, except as otherwise herein provided, is hereby granted to the Philippine Legislature, authorized by this Act.

SEC. 9. That all the property and rights which may have been acquired in the Philippine Islands by the United States under the treaty of peace with Spain, signed December tenth, eighteen hundred and ninety-eight, except such land or other property as has been or shall be designated by the President of the United States for military and other reservations of the Government of the United States, and all lands which may have been subsequently acquired by the government of the Philippine Islands by purchase under the provisions of sections sixty-three and sixty-four of the Act of Congress approved July first, nineteen hundred and two, except such as may have heretofore been sold and disposed of in accordance with the provisions of said Act of Congress, are hereby placed under the control of the government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: Provided, That upon the approval of such an act by the Governor General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: Provided further, That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the government of such islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

SEC. 10. That while this Act provides that the Philippine government shall have the authority to enact a tariff law the trade relations between the islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States: Provided, That tariff acts or acts amendatory to the tariff of the Philippine Islands shall not become law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting immigration or the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: Provided further, That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval,

and if not disapproved within such time it shall become a law the same as if it had been specifically approved.

SEC. 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchises, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: Provided, however, That the entire indebtedness of the Philippine government created by the authority conferred herein shall not exceed at any one time the sum of $15,000,000, exclusive of those obligations known as friar land bonds, nor that of any Province or municipality a sum in excess of seven per centum of the aggregate tax valuation of its property at any one time.

SEC. 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "The Philippine Legislature:" Provided, That until the Philippine Legislature as herein provided shall have been organized the existing Philippine Legislature shall have all legislative authority herein granted to the government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized, the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

SEC. 13. That the members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

SEC. 14. That the members of the house of representatives shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the representative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over twenty-five years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election; Provided, That the members of the present assembly elected on the first Tuesday in June, nineteen hundred and sixteen, shall be the members of the house of representatives from their respective districts for the term expiring in nineteen hundred and nineteen.

SEC. 15. That at the first election held pursuant to this act, the qualified electors shall be those having the qualifications of voters under the present law; thereafter and until otherwise provided by the Philippine Legislature herein provided for the qualifications of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

Every male person who is not a citizen or subject of a foreign power twenty-one years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the thirteenth day of August, eighteen hundred and ninety-eight), who

shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

(a) Those who under existing law are legal voters and have exercised the right of suffrage.

(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

(c) Those who are able to read and write either Spanish, English, or a native language.

SEC. 16. That the Philippine Islands shall be divided into twelve senate districts, as follows:

First district: Batanes, Cagayan, Isabela, Ilocos Norte, and Ilocos Sur.
Second district: La Union, Pangasinan, and Zambales.
Third district: Tarlac, Nueva Ecija, Pampanga, and Bulacan.
Fourth district: Bataan, Rizal, Manila, and Laguna.
Fifth district: Batangas, Mindoro, Tayabas, and Cavite.
Sixth district: Sorsogon, Albay, and Ambos Camarines.
Seventh district: Iloilo and Capiz.
Eighth district: Negros Occidental, Negros Oriental, Antique, and Palawan.
Ninth district: Leyte and Samar.
Tenth district: Cebu.
Eleventh district: Surigao, Misamis and Bohol.
Twelfth district: The Mountain Province, Baguio, Nueva Vizcaya, and the Department of Mindanao and Sulu.

The representative districts shall be the eighty-one now provided by law, and three in the Mountain Province, one in Nueva Vizcaya, and five in the Department of Mindanao and Sulu.

The first election under the provisions of this Act shall be held on the first Tuesday of October, nineteen hundred and sixteen, unless the Governor General in his discretion shall fix another date not earlier than thirty nor later than sixty days after the passage of this Act: Provided, That the Governor General's proclamation shall be published at least thirty days prior to the date fixed for the election, and there shall be chosen at such election one senator from each senate district for a term of three years and one for six years. Thereafter one senator from each district shall be elected from each senate district for a term of six years: Provided, That the Governor General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly: Provided further, That thereafter elections shall be held only on such days and under such regulations as to ballots, voting, and qualifications of electors as may be prescribed by the Philippine Legislature, to which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provisions of this section, except such as refer to appointive senators and representatives.

SEC. 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor General shall hold office until removed by the Governor General.

SEC. 18. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel an elective member. Both houses shall convene at the capital on the

sixteenth day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the sixteenth day of October, or, if the sixteenth day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The Legislature may be called in special session at any time by the Governor General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, and no regular session shall continue longer than one hundred days, exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

The senators and representatives shall receive an annual compensation for their services, to be ascertained by law, and paid out of the treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislature, nor shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

SEC. 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor General. If he approve the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor General, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve the same, he shall return it to the Governor General, so stating, and it shall not become a law: Provided, That if any bill or joint resolution shall not be returned by the Governor General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor General within thirty days after adjournment: Provided further, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bills and joint resolutions returned to the legislature without his approval.

All laws enacted by the Philippine Legislature shall be reported to the

Congress of the United States, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor General, make the payments necessary for the purposes aforesaid.

SEC. 20. That at the first meeting of the Philippine Legislature created by this Act and triennially thereafter there shall be chosen by the legislature two Resident Commissioners to the United States, who shall hold their office for a term of three years beginning with the fourth day of March following their election, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States and who is not more than thirty years of age and who does not read and write the English language. The present two Resident Commissioners shall hold office until the fourth of March, nineteen hundred and seventeen. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise, the Governor General may make temporary appointments until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

SEC. 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor General of the Philippine Islands." He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine Senate, such officers as may now be appointed by the Governor General, or such as he is authorized by this Act to appoint, or whom he may hereafter be authorized by law to appoint; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general supervision and control of all of the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of this Act, and shall be commander in chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and reprieves and remit fines and forfeitures, and may veto any legislation enacted as herein provided. He shall submit within ten days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia or other locally created armed forces, to prevent or suppress lawless violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public

safety requires it, suspend the privileges of the writ of habeas corpus, or place the islands, or any part thereof, under martial law; Provided, That whenever the Governor General shall exercise this authority, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designated by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

SEC. 22. That, except as provided otherwise in this Act, the executive departments of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such shall cease and determine, and the members thereof shall vacate their offices as members of said commission: Provided, That the heads of executive departments shall continue to exercise their executive functions until the heads of departments provided by the Philippine Legislature pursuant to the provisions of this Act are appointed and qualified. The Philippine Legislature may thereafter by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor General: Provided, That all executive functions of the government must be directly under the Governor General or within one of the executive departments under the supervision and control of the Governor General. There is hereby established a bureau, to be known as the Bureau of Non-Christian Tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor General, and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

SEC. 23. That there shall be appointed by the President, by and with the advice and consent of the Senate of the United States, a vice governor of the Philippine Islands, who shall have all of the powers of the Governor General in the case of a vacancy or temporary removal, resignation, or disability of the Governor General, or in case of his temporary absence; and the said vice governor shall be the head of the executive department, known as the department of public instruction, which shall include the bureau of education and the bureau of health, and may be assigned such other executive duties as the Governor General may designate.

Other bureaus now included in the department of public instruction shall, until otherwise provided by the Philippine Legislature, be included in the department of the interior.

The President may designate the head of an executive department of the Philippine government to act as Governor General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor General and the vice governor, or their temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor General during such vacancy, disability, or absence.

SEC. 24. That there shall be appointed by the President an auditor, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source of the Philippine government and of the provincial and municipal governments of the Philippines, including trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the Provinces or municipalities thereof. He shall perform a like duty with respect to all government branches

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

There shall be a deputy auditor appointed in the same manner as the auditor. The deputy auditor shall sign such official papers as the auditor may designate and perform such other duties as the auditor may prescribe, and in case of the death, resignation, sickness, or other absence of the auditor from his office, from any cause, the deputy auditor shall have charge of such office. In case of the absence from duty, from any cause, of both the auditor and the deputy auditor, the Governor General may designate an assistant, who shall have charge of the office.

The administrative jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the Governor General he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: Provided, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final and conclusive upon the executive branches of the government, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the several auditors of the United States and the Comptroller of the United States Treasury and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted the auditor shall submit to the Governor General and the Secretary of War an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various Provinces and municipalities, and make such other reports as may be required of him by the Governor General or the Secretary of War.

In the execution of their duties the auditor and the deputy auditor are authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, as now provided by law.

The office of the auditor shall be under the general supervision of the Governor General and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

SEC. 25. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the Governor General, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision.

If the Governor General shall confirm the action of the auditor, he shall so indorse the appeal and transmit it to the auditor, and the action shall thereupon be final and conclusive. Should the Governor General fail to sustain the action of the auditor, he shall forthwith transmit his grounds of disapproval to the Secretary of War, together with the appeal and the papers necessary to a proper understanding of the matter. The decision of the Secretary of War in such case shall be final and conclusive.

SEC. 26. That the supreme court and the courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and asso-

ciate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor General, by and with the advice and consent of the Philippine Senate: Provided, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by Act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall continue until final judgment and determination.

SEC. 27. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds $25,000, or in which the title or possession of real estate exceeding in value the sum of $25,000, to be ascertained by the oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far applicable, as the final judgments and decrees of the district courts of the United States.

SEC. 28. That the government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belonging to said Provinces or municipalities: Provided, That no private property shall be damaged or taken for any purpose under this section without just compensation, and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this Act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stocks or bonds so issued; shall forbid the declaring of stock or bond dividends, and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts of such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the Province or municipality within which such franchises are granted and exercised: Provided further, That it shall be unlawful for any corporation organized under this Act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company, or corporation so violating the provisions of this Act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government, or on the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall

prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than $10,000.

SEC. 29. That, except as in this Act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following-named officials appointed by the President and so to be paid shall be: The Governor General, $18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice governor, $10,000; chief justice of the supreme court, $8,000; associate justices of the supreme court, $7,500 each; auditor, $6,000; deputy auditor, $3,000.

SEC. 30. That the provisions of the foregoing section shall not apply to provincial and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the Provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

SEC. 31. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this Act are hereby continued in force and effect.

Approved, August 29, 1916.

ORGANIC ACT OF PORTO RICO—1917.*

An Act to provide a civil government for Porto Rico, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands belonging to the United States, and waters of those islands; and the name Porto Rico as used in this Act shall be held to include not only the island of that name but all the adjacent islands as aforesaid.

BILL OF RIGHTS.

SEC. 2. That no law shall be enacted in Porto Rico which shall deprive any person of life, liberty, or property without due process of law, or deny to any person therein the equal protection of the laws.

That in all criminal prosecutions the accused shall enjoy the right to have the assistance of counsel for his defense, to be informed of the nature and cause of the accusation, to have a copy thereof, to have a speedy and public trial, to be confronted with the witnesses against him, and to have compulsory process for obtaining witnesses in his favor.

That no person shall be held to answer for a criminal offense without due process of law; and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself.

That all persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great.

That no law impairing the obligation of contracts shall be enacted.

That no person shall be imprisoned for debt.

That the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion, insurrection, or invasion the public safety may require it, in either of which events the same may be suspended by the President, or by the governor, whenever during such period the necessity for such suspension shall exist.

That no ex post facto law or bill of attainder shall be enacted.

Private property shall not be taken or damaged for public use except upon payment of just compensation ascertained in the manner provided by law.

Nothing contained in this Act shall be construed to limit the power of the legislature to enact laws for the protection of the lives, health, or safety of employees.

That no law granting a title of nobility shall be enacted, and no person holding any office of profit or trust under the government of Porto Rico shall, without the consent of the Congress of the United States, accept any present, emolument, office, or title of any kind whatever from any king, queen, prince, or foreign State, or any officer thereof.

That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

That the right to be secure against unreasonable searches and seizures shall not be violated.

That no warrant for arrest or search shall issue but upon probable cause.

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* Porto Rico and the adjacent islands were ceded to the United States by Spain at the close of the Spanish-American War by the terms of the Treaty of Paris of December 10, 1898. The island was governed by the military authorities, under the direction of the war department, until May 1, 1900, when a civil government, created by the act of April 12, 1900, came into operation, and this civil government, with minor changes, existed until the passage of the act of March 2, 1917. The federal laws pertaining to the island of Porto Rico, prior to the passage of the act of March 2, 1917, are embraced in Sections 3747-3803, inclusive, of the United States Compiled Statutes of 1913, and some of these laws are still in force.

supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

That slavery shall not exist in Porto Rico.

That involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall not exist in Porto Rico.

That no law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall forever be allowed, and that no political or religious test other than an oath to support the Constitution of the United States and the laws of Porto Rico shall be required as a qualification to any office or public trust under the government of Porto Rico.

That no public money or property shall ever be appropriated, applied, donated, used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution or association, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, or for charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of Porto Rico. Contracting of polygamous or plural marriages hereafter is prohibited.

That one year after the approval of this Act and thereafter it shall be unlawful to import, manufacture, sell, or give away, or to expose for sale or gift any intoxicating drink or drug: Provided, That the legislature may authorize and regulate importation, manufacture, and sale of said liquors and drugs for medicinal, sacramental, industrial, and scientific uses only. The penalty for violations of this provision with reference to intoxicants shall be a fine of not less than $25 for the first offense, and for second and subsequent offenses a fine of not less than $50 and imprisonment for not less than one month or more than one year: And provided further, That at any general election within five years after the approval of this Act this provision may, upon petition of not less than ten per centum of the qualified electors of Porto Rico, be submitted to a vote of the qualified electors of Porto Rico, and if a majority of all the qualified electors of Porto Rico voting upon such question shall vote to repeal this provision, it shall thereafter not be in force and effect; otherwise it shall be in full force and effect.

That no money shall be paid out of the treasury except in pursuance of an appropriation by law, and on warrant drawn by the proper officer in pursuance thereof.

That the rule of taxation in Porto Rico shall be uniform.

That all money derived from any tax levied or assessed for a special purpose shall be treated as a special fund in the Treasury and paid out for such purpose only except upon the approval of the President of the United States.

That eight hours shall constitute a day's work in all cases of employment of laborers and mechanics by and on behalf of the government of the island on public works, except in cases of emergency.

That the employment of children under the age of fourteen years in any occupation injurious to health or morals or hazardous to life or limb is hereby prohibited.

SEC. 3. That no export duties shall be levied or collected on exports from Porto Rico, but taxes and assessments on property, internal revenue, and license fees, and royalties for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by the Legislature of Porto Rico; and when necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law, and to protect the public credit: Provided, however, That no public indebtedness of Porto Rico or of any subdivision or municipality thereof shall be authorized or allowed in excess of seven per centum

of the aggregate tax valuation of its property, and all bonds issued by the government of Porto Rico, or by its authority, shall be exempt from taxation by the Government of the United States, or by the government of Porto Rico or of any political or municipal subdivision thereof, or by any State, or by any county, municipality, or other municipal subdivision of any State or Territory of the United States, or by the District of Columbia. In computing the indebtedness of the people of Porto Rico, bonds issued by the people of Porto Rico secured by an equivalent amount of bonds of municipal corporations or school boards of Porto Rico shall not be counted.

SEC. 4. That the capital of Porto Rico shall be at the city of San Juan, and the seat of government shall be maintained there.

SEC. 5. That all citizens of Porto Rico, as defined by section seven of the Act of April twelfth, nineteen hundred, "temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," and all natives of Porto Rico who were temporarily absent from that island on April eleventh, eighteen hundred and ninety-nine, and have since returned and are permanently residing in that island, and are not citizens of any foreign country, are hereby declared, and shall be deemed and held to be, citizens of the United States: Provided, That any person hereinbefore described may retain his present political status by making a declaration, under oath, of his decision to do so within six months of the taking effect of this Act before the district court in the district in which he resides, the declaration to be in form as follows:

"I, ——————, being duly sworn, hereby declare my intention not to become a citizen of the United States as provided in the Act of Congress conferring United States citizenship upon citizens of Porto Rico and certain natives permanently residing in said island."

In the case of any such person who may be absent from the island during said six months the term of this proviso may be availed of by transmitting a declaration, under oath, in the form herein provided within six months of the taking effect of this Act to the executive secretary of Porto Rico: And provided further, That any person who is born in Porto Rico of an alien parent and is permanently residing in that island may, if of full age, within six months of the taking effect of this Act, or if a minor, upon reaching his majority or within one year thereafter, make a sworn declaration of allegiance to the United States before the United States District Court for Porto Rico, setting forth therein all the facts connected with his or her birth and residence in Porto Rico and accompanying due proof thereof, and from and after the making of such declaration shall be considered to be a citizen of the United States.

SEC. 6. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall, except as otherwise specifically provided by the Congress, be paid by the treasurer of Porto Rico out of the revenue in his custody.

SEC. 7. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in the treaty of peace entered into on the tenth day of December, eighteen hundred and ninety-eight, in any public bridges, road houses, water powers, highways, unnavigable streams and the beds thereof, subterranean waters, mines or minerals under the surface of private lands, all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor works boards of Porto Rico, all the harbor shores, docks, slips, reclaimed lands, and all public lands and buildings not heretofore reserved by the United States for public purposes, is hereby placed under the control of the government of Porto Rico, to be administered for the benefit of the people of Porto Rico; and the Legislature of Porto Rico shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable: Provided, That the President may from time to time, in his dis-

cretion, convey to the people of Porto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Porto Rico as in his opinion are no longer needed for purposes of the United States. And he may from time to time accept by legislative grant from Porto Rico any lands, buildings, or other interests or property which may be needed for public purposes by the United States.

SEC. 8. That the harbor areas and navigable streams and bodies of water and submerged lands underlying the same in and around the island of Porto Rico and the adjacent islands and waters, now owned by the United States and not reserved by the United States for public purposes, be, and the same are hereby, placed under the control of the government of Porto Rico, to be administered in the same manner and subject to the same limitations as the property enumerated in the preceding section: Provided, That all laws of the United States for the protection and improvement of the navigable waters of the United States and the preservation of the interests of navigation and commerce, except so far as the same may be locally inapplicable, shall apply to said island and waters and to its adjacent islands and waters: Provided further, That nothing in this Act contained shall be construed so as to affect or impair in any manner the terms or conditions of any authorizations, permits, or other powers heretofore lawfully granted or exercised in or in respect of said waters and submerged lands in and surrounding said island and its adjacent islands by the Secretary of War or other authorized officer or agent of the United States: And provided further, That the Act of Congress approved June eleventh, nineteen hundred and six, entitled "An Act to empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas in navigable streams and bodies of water in or surrounding Porto Rico and the islands adjacent thereto," and all other laws and parts of laws in conflict with this section be, and the same are hereby, repealed.

SEC. 9. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws: Provided, however, That hereafter all taxes collected under the internal-revenue laws of the United States on articles produced in Porto Rico and transported to the United States, or consumed in the island shall be covered into the treasury of Porto Rico.

SEC. 10. That all judicial process shall run in the name of "United States of America, ss, the President of the United States," and all penal or criminal prosecutions in the local courts shall be conducted in the name and by the authority of "The People of Porto Rico;" and all officials shall be citizens of the United States, and, before entering upon the duties of their respective offices, shall take an oath to support the Constitution of the United States and the laws of Porto Rico.

SEC. 11. That all reports required by law to be made by the governor or heads of departments to any official of the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President, and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

EXECUTIVE DEPARTMENT.

SEC. 12. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The governor shall reside in Porto Rico during his official incumbency and maintain his office at the seat of government. He shall have general supervision and control of all the departments and bureaus of the government in Porto Rico, so far as is not inconsistent with the provisions of this Act, and shall be commander in chief of the militia. He may grant pardons and reprieves and remit fines and forfeitures for

offenses against the laws of Porto Rico, and respites for all offenses against the laws of the United States until the decision of the President can be ascertained, and may veto any legislation enacted as hereinafter provided. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of Porto Rico and of the United States applicable in Porto Rico, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the island, or summon the posse comitatus, or call out the militia to prevent or suppress lawless violence, invasion, insurrection, or rebellion, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the island, or any part thereof, under martial law until communication can be had with the President and the President's decision therein made known. He shall annually, and at such other times as he may be required, make official report of the transactions of the government of Porto Rico to the executive department of the Government of the United States to be designated by the President as herein provided, and his said annual report shall be transmitted to Congress, and he shall perform such additional duties and functions as may in pursuance of law be delegated to him by the President.

SEC. 13. That the following executive departments are hereby created: A department of justice, the head of which shall be designated as the attorney general; a department of finance, the head of which shall be designated as the treasurer; a department of interior, the head of which shall be designated as the commissioner of the interior; a department of education, the head of which shall be designated as the commissioner of education; a department of agriculture and labor, the head of which shall be designated as the commissioner of agriculture and labor; and a department of health, the head of which shall be designated as the commissioner of health. The attorney general and commissioner of education shall be appointed by the President, by and with the advice and consent of the Senate of the United States, to hold office for four years and until their successors are appointed and qualified, unless sooner removed by the President. The heads of the four remaining departments shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico. The heads of departments appointed by the governor shall hold office for the term of four years and until their successors are appointed and qualified, unless sooner removed by the governor.

Heads of departments shall reside in Porto Rico during their official incumbency, and those appointed by the governor shall have resided in Porto Rico for at least one year prior to their appointment.

The heads of departments shall collectively form a council to the governor, known as the executive council. They shall perform under the general supervision of the governor the duties hereinafter prescribed, or which may hereafter be prescribed by law and such other duties, not inconsistent with law, as the governor, with the approval of the President, may assign to them; and they shall make annual and such other reports to the governor as he may require, which shall be transmitted to the executive department of the Government of the United States to be designated by the President as herein provided: Provided, That the duties herein imposed upon the heads of departments shall not carry with them any additional compensation.

SEC. 14. That the attorney general shall have charge of the administration of justice in Porto Rico; he shall be the legal adviser of the governor and the heads of departments and shall be responsible for the proper representation of the people of Porto Rico or its duly constituted officers in all actions and proceedings, civil or criminal, in the Supreme Court of Porto Rico in which the people of Porto Rico shall be interested or a party, and he may, if directed by the governor or if in his judgment the public interest requires it, represent the people of Porto Rico or its duly constituted officers in any other court or before any other office or board in any action or proceeding, civil or criminal, in which the people of Porto Rico may be a party or be interested.

He shall also perform such other duties not inconsistent herewith as may be prescribed by law.

SEC. 15. That the treasurer shall give bond, approved as to form by the attorney general of Porto Rico, in such sum as the legislature may require, not less, however, than the sum of $125,000, with surety or sureties approved by the governor, and he shall collect and be the custodian of public funds, and shall disburse the same in accordance with law, on warrants signed by the auditor and countersigned by the governor, and perform such other duties as may be provided by law. He may designate banking institutions in Porto Rico and the United States as depositaries of the government of Porto Rico, subject to such conditions as may be prescribed by the governor, after they have filed with him satisfactory evidence of their sound financial condition and have deposited bonds of the United States or of the government of Porto Rico or other security satisfactory to the governor in such amounts as may be indicated by him; and no banking institution shall be designated a depositary of the government of Porto Rico until the foregoing conditions have been complied with. Interest on deposits shall be required and paid into the treasury.

SEC. 16. That the commissioner of the interior shall superintend all works of a public nature, have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and perform such other duties as may be prescribed by law.

SEC. 17. That the commissioner of education shall superintend public instruction throughout Porto Rico; all proposed disbursements on account thereof must be approved by him, and all courses of study shall be prepared by him, subject to disapproval by the governor if he desires to act. He shall prepare rules governing the selection of teachers, and appointments of teachers by local school boards shall be subject to his approval, and he shall perform such other duties, not inconsistent with this Act, as may be prescribed by law.

SEC. 18. That the commissioner of agriculture and labor shall have general charge of such bureaus and branches of government as have been or shall be legally constituted for the study, advancement, and benefit of agricultural and other industries, the chief purpose of this department being to foster, promote, and develop the agricultural interests and the welfare of the wage earners of Porto Rico, to improve their working conditions, and to advance their opportunities for profitable employment, and shall perform such other duties as may be prescribed by law.

SEC. 19. That the commissioner of health shall have general charge of all matters relating to public health, sanitation, and charities, except such as relate to the conduct of maritime quarantine, and shall perform such other duties as may be prescribed by law.

SEC. 20. That there shall be appointed by the President an auditor, at an annual salary of $5,000, for a term of four years and until his successor is appointed and qualified, who shall examine, audit, and settle all accounts pertaining to the revenues and receipts, from whatever source, of the government of Porto Rico and of the municipal governments of Porto Rico, including public trust funds and funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government of Porto Rico or the municipalities or dependencies thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining thereto.

It shall be the duty of the auditor to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

In case of vacancy or of the absence from duty, from any cause, of the auditor, the Governor of Porto Rico may designate an assistant, who shall have charge of the office.

The jurisdiction of the auditor over accounts, whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the governor, he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the methods of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: Provided, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by the law upon the several auditors of the United States and the Comptroller of the United States Treasury, and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relations with his office.

As soon after the close of each fiscal year as the accounts of said year may be examined and adjusted, the auditors shall submit to the governor an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various municipalities, and make such other reports as may be required of him by the governor or the head of the executive department of the Government of the United States, to be designated by the President as herein provided.

In the execution of his duties the auditor is authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpœnas and enforce the attendance of witnesses.

The office of the auditor shall be under the general supervision of the governor and shall consist of the auditor and such necessary assistants as may be prescribed by law.

SEC. 21. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the governor, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision. The decision of the governor in such case shall be final, subject to such right of action as may be otherwise provided by law.

SEC. 22. That there shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico, an executive secretary at an annual salary of $4,000, who shall record and preserve the minutes and proceedings of the public service commission hereinafter provided for and the laws enacted by the legislature and all acts and proceedings of the governor, and promulgate all proclamations and orders of the governor and all laws enacted by the legislature, and until otherwise provided by the legislature of Porto Rico perform all the duties of secretary of Porto Rico as now provided by law, except as otherwise specified in this Act, and perform such other duties as may be assigned to him by the Governor of Porto Rico. In the event of a vacancy in the office, or the absence, illness or temporary disqualification of such officer, the governor shall designate some officer or employee of the government to discharge the functions of said office during such vacancy, absence, illness, or temporary disqualification.

SEC. 23. That the Governor of Porto Rico, within sixty days after the end of each session of the legislature, shall transmit to the executive department of the Government of the United States, to be designated as herein provided for, which shall in turn transmit the same to the Congress of the United States, copies of all laws enacted during the session.

SEC. 24. That the President may from time to time designate the head of an executive department of Porto Rico to act as governor in the case of a vacancy, the temporary removal, resignation, or disability of the governor, or his temporary absence, and the head of the department thus designated shall

exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

LEGISLATIVE DEPARTMENT.

SEC. 25. That all local legislative powers in Porto Rico, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "the Legislature of Porto Rico."

SEC. 26. That the Senate of Porto Rico shall consist of nineteen members elected for terms of four years by the qualified electors of Porto Rico. Each of the seven senatorial districts defined as hereinafter provided shall have the right to elect two senators, and in addition thereto there shall be elected five senators at large. No person shall be a member of the Senate of Porto Rico who is not over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of Porto Rico for at least two consecutive years, and, except in the case of senators at large, an actual resident of the senatorial district from which chosen for a period of at least one year prior to his election. Except as herein otherwise provided, the Senate of Porto Rico shall exercise all of the purely legislative powers and functions heretofore exercised by the Executive Council, including confirmation of appointments; but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate for the session. In electing the five senators at large each elector shall be permitted to vote for but one candidate, and the five candidates receiving the largest number of votes shall be declared elected.

SEC. 27. That the House of Representatives of Porto Rico shall consist of thirty-nine members elected quadrennially by the qualified electors of Porto Rico, as hereinafter provided. Each of the representative districts hereinafter provided for shall have the right to elect one representative, and in addition thereto there shall be elected four representatives at large. No person shall be a member of the house of representatives who is not over twenty-five years of age, and who is not able to read and write either the Spanish or English language, except in the case of representative at large, who has not been a bona fide resident of the district from which elected for at least one year prior to his election. In electing the four representatives at large, each elector shall be permitted to vote for but one candidate and the four candidates receiving the largest number of votes shall be elected.

SEC. 28. That for the purpose of elections hereafter to the legislature the island of Porto Rico shall be divided into thirty-five representative districts, composed of contiguous and compact territory and established, so far as practicable, upon the basis of equal population. The division into and the demarcation of such districts shall be made by the Executive Council of Porto Rico. Division of districts shall be made as nearly as practicable to conform to the topographical nature of the land, with regard to roads and other means of communication and to natural barriers. Said Executive Council shall also divide the island of Porto Rico into seven senatorial districts, each composed of five contiguous and compact representative districts. They shall make their report within thirty days after the approval of this act, which report, when approved by the governor, shall be final.

SEC. 29. That the next election of Porto Rico shall be held in the year nineteen hundred and seventeen upon the sixteenth day of July. At such election there shall be chosen senators, representatives, a Resident Commissioner to the United States, and two public-service commissioners, as herein provided. Thereafter the elections shall be held on the first Tuesday after the first Monday in November, beginning with the year nineteen hundred and twenty, and every four years thereafter, and the terms of office of all municipal officials who have heretofore been elected and whose terms would otherwise expire at the beginning of the year nineteen hundred and nineteen are hereby extended until the officials who may be elected to fill such offices in nineteen hundred and twenty shall have been duly qualified: Provided, however, That nothing herein contained shall be

construed to limit the right of the Legislature of Porto Rico at any time to revise the boundaries of senatorial and representative districts and of any municipality, or to abolish any municipality and the officers provided therefor.

SEC. 30. That the term of office of senators and representatives chosen by the first general election shall be until January first, nineteen hundred and twenty-one, and the terms of office of senators and representatives chosen at subsequent elections shall be four years from the second January following their election. In case of vacancy among the members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred, under such regulations as may be prescribed by law, but senators or representatives elected in such cases shall hold office only for the unexpired portion of the term wherein the vacancy occurred, and no senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office under the government of Porto Rico, nor be appointed to any office created by act of the legislature during the time for which he shall have been elected until two years after his term of office shall have expired.

SEC. 31. That members of the Senate and House of Representatives of Porto Rico shall receive compensation at the rate of $7 per day for the first ninety days of each regular session and $1 per day for each additional day of such session while in session, and mileage for each session at the rate of 10 cents per kilometer for each kilometer actually and necessarily traveled in going from their legislative districts to the capital and therefrom to their place of residence in their districts by the usual routes of travel.

SEC. 32. That the senate and house of representatives, respectively, shall be the sole judges of the elections, returns, and qualifications of their members, and they shall have and exercise all the powers with respect to the conduct of their proceedings that usually pertain to parliamentary legislative bodies. Both houses shall convene at the capital on the second Monday in February following the next election, and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required.

SEC. 33. That the first regular session of the Legislature of Porto Rico, provided for by this act, shall convene on the twenty-eighth day after the first election provided for herein, and regular sessions of the legislature shall be held biennially thereafter, convening on the second Monday in February of the year nineteen hundred and nineteen, and on the second Monday in February of each second year thereafter. The governor may call special sessions of the legislature or of the senate at any time when in his opinion the public interest may require it, but no special session shall continue longer than ten days, not including Sundays and holidays, and no legislation shall be considered at such session other than that specified in the call, and he shall call the senate in special session at least once each year on the second Monday in February of those years in which a regular session of the legislature is not provided for.

SEC. 34. That the enacting clause of the laws shall be as to acts, "Be it enacted by the Legislature of Porto Rico," and as to joint resolutions, "Be it resolved by the Legislature of Porto Rico." Except as hereinafter provided, bills and joint resolutions may originate in either house. The governor shall submit at the opening of each regular session of the legislature a budget of receipts and expenditures, which shall be the basis of the ensuing biennial appropriation bill. No bill shall become a law until it be passed in each house by a majority yea and nay vote of all of the members belonging to such house and entered upon the journal and be approved by the governor within ten days thereafter. If when a bill that has been passed is presented to the governor for his signature he approves the same, he shall sign it; or if not, he shall return it, with his objections, to the house in which it originated, which house shall enter his objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the members of that house shall agree to pass the same it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members of that house it shall be sent to the gov-

ernor, who, in case he shall then not approve, shall transmit the same to the President of the United States. The vote of each house shall be by yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same he shall sign it, and it shall become a law. If he shall not approve same he shall return it to the governor so stating, and it shall not become a law: Provided, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within ninety days from and after its submission for his approval; and if not approved within such time it shall become a law the same as if it had been specifically approved. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, or any part or parts, portion or portions thereof, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items, parts or portions thereof to which he objects, and the appropriation so objected to shall not take effect. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the governor within thirty days after receipt by him; otherwise it shall not be a law. All laws enacted by the Legislature of Porto Rico shall be reported to the Congress of the United States, as provided in section twenty-three of this act, which hereby reserves the power and authority to annul the same. If at the termination of any fiscal year the appropriations necessary for the support of the government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid.

Each house shall keep a journal of its proceedings, and may, in its discretion, from time to time publish the same, and the yeas and nays on any question shall, on the demand of one-fifth of the members present, be entered on the journal.

The sessions of each house and of the committees of the whole shall be open.

Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose.

No act of the legislature except the general appropriation bills for the expenses of the government shall take effect until ninety days after its passage, unless in case of emergency (which shall be expressed in the preamble or body of the act) the legislature shall by vote of two-thirds of all the members elected to each house otherwise direct. No bill, except the general appropriation bill for the expenses of the government only, introduced in either house of the legislature after the first forty days of the session, shall become a law.

No bill shall be considered or become a law unless referred to a committee, returned therefrom, and printed for the use of the members: Provided, That either house may by a majority vote discharge a committee from the consideration of a measure and bring it before the body for consideration.

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.

No law shall be revived, or amended, or the provisions thereof extended

or conferred by reference to its title only, but so much thereof as is revived, amended, extended, or conferred shall be reenacted and published at length.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles shall have been publicly read, immediately before signing; and the fact of signing shall be entered on the journal.

The legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house; and no payment shall be made for services to the legislature from the treasury, or be in any way authorized to any person, except to an acting officer or employee elected or appointed in pursuance of law.

No bill shall be passed giving any extra compensation to any public officer, servant or employee, agent or contractor, after services shall have been rendered or contract made.

Except as otherwise provided in this act, no law shall extend the term of any public officer, or increase or diminish his salary or emoluments after his election or appointment, nor permit any officer or employee to draw compensation for more than one office or position.

All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as in case of other bills.

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments, interest on the public debt, and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Every order, resolution, or vote to which the concurrence of both houses may be necessary, except on the question of adjournment, or relating solely to the transaction of business of the two houses, shall be presented to the governor, and before it shall take effect be approved by him, or, being disapproved, shall be repassed by two-thirds of both houses, according to the rules and limitations prescribed in case of a bill.

Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any executive or judicial officer or member of the legislature to influence him in the performance of any of his public or official duties, shall be deemed guilty of bribery, and be punished by a fine not exceeding $5,000, or imprisonment not exceeding five years, or both.

The offense of corrupt solicitation of members of the legislature, or of public officers of Porto Rico, or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment.

In case the available revenues of Porto Rico for any fiscal year, including available surplus in the insular treasury, are insufficient to meet all the appropriations made by the legislature for such year, such appropriations shall be paid in the following order, unless otherwise directed by the governor:

First class. The ordinary expenses of the legislative, executive, and judicial departments of the State government, and interest on any public debt, shall first be paid in full.

Second class. Appropriations for all institutions, such as the penitentiary, insane asylum, industrial school, and the like, where the inmates are confined involuntarily, shall next be paid in full.

Third class. Appropriations for education and educational and charitable institutions shall be paid in full.

Fourth class. Appropriations for any other officer or officers, bureaus or boards, shall next be paid in full.

Fifth class. Appropriations for all other purposes shall next be paid.

That in case there are not sufficient revenues for any fiscal year, including available surplus in the insular treasury, to meet in full the appropriations of said year for all of the said classes of appropriations, then said revenues shall be applied to the classes in the order above named, and if, after

he payment of the prior classes in full, there are not sufficient revenues for ny fiscal year to pay in full the appropriations for that year for the next lass, then, in that event, whatever there may be to apply on account of appro- riations for said class shall be distributed among said appropriations pro ata according as the amount of each appropriation of that class shall bear o the total amount of all of said appropriations for that class for such fiscal ear.

No appropriation shall be made, nor any expenditure authorized by the egislature, whereby the expenditure of the Government of Porto Rico during ny fiscal year shall exceed the total revenue then provided for by law and pplicable for such appropriation or expenditure, including any available sur- lus in the treasury, unless the legislature making such appropriation shall rovide for levying a sufficient tax to pay such appropriation or expenditure vithin such fiscal year.

SEC. 35. That at the first election held pursuant to this act the qualified lectors shall be those having the qualifications of voters under the present aw. Thereafter voters shall be citizens of the United States twenty-one years f age or over and have such additional qualifications as may be prescribed by he legislature of Porto Rico; Provided, That no property qualification shall ver be imposed upon or required of any voter.

SEC. 36. That the qualified electors of Porto Rico shall at the next gen- ral election choose a Resident Commissioner to the United States, whose term f office shall begin on the date of the issuance of his certificate of election nd shall continue until the fourth of March, nineteen hundred and twenty- ne. At each subsequent election, beginning with the year nineteen hundred nd twenty, the qualified electors of Porto Rico shall choose a Resident Com- issioner to the United States, whose term of office shall be four years from he fourth of March following such general election, and who shall be entitled o receive official recognition as such commissioner by all of the departments f the Government of the United States, upon presentation, through the De- artment of State, of a certificate of election of the Governor of Porto Rico. he Resident Commissioner shall receive a salary, payable monthly by the nited States, of $7,500 per annum. Such commissioner shall be allowed the me sum for stationery and for the pay of necessary clerk hire as is now llowed to members of the House of Representatives of the United States; nd he shall be allowed the sum of $500 as mileage for each session of the ouse of Representatives and the franking privilege granted members of Con- ress. No person shall be eligible to election as Resident Commissioner who not a bona fide citizen of the United States and who is not more than wenty-five years of age, and who does not read and write the English lan- uage. In case of vacancy in the office of Resident Commissioner by death, esignation, or otherwise, the governor, by and with the advice and consent of he senate, shall appoint a Resident Commissioner to fill the vacancy, who hall serve until the next general election and until his successor is elected nd qualified.

SEC. 37. That the legislative authority herein provided shall extend to l matters of a legislative character not locally inapplicable, including power o create, consolidate, and reorganize the municipalities so far as may be neces- ary, and to provide and repeal laws and ordinances therefor; also the power o alter, amend, modify, or repeal any or all laws and ordinances of every haracter now in force in Porto Rico or municipality or district thereof in so ar as such alteration, amendment, modification, or repeal may be consistent ith the provisions of this act.

No executive department not provided for in this act shall be created by he legislature, but the legislature may consolidate departments, or abolish any epartment, with the consent of the President of the United States.

SEC. 38. That all grants of franchises, rights, and privileges of a public r quasi public nature shall be made by a public-service commission, consist g of the heads of executive departments, the auditor, and two commissioners be elected by the qualified voters at the first general election to be held nder this act, and at each subsequent general election thereafter. The terms

of said elective commissioners elected at the first general election shall commence on the twenty-eighth day following the said general election, and the terms of the said elective commissioners elected at each subsequent general election shall commence on the second day of January following their election; they shall serve for four years and until their successors are elected and qualified. Their compensation shall be $8 for each day's attendance on the sessions of the commission, but in no case shall they receive more than $400 each during any one year. The said commission is also empowered and directed to discharge all the executive functions relating to public-service corporations heretofore conferred by law upon the executive council. Franchises, rights, and privileges granted by the said commission shall not be effective until approved by the governor and shall be reported to Congress, which hereby reserves the power to annul or modify the same.

The interstate-commerce act and the several amendments made or to be made thereto, the safety-appliance acts and the several amendments made or to be made thereto, and the act of Congress entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities," approved March first, nineteen hundred and thirteen, shall not apply to Porto Rico.

The Legislative Assembly of Porto Rico is hereby authorized to enact laws relating to the regulation of the rates, tariffs, and service of public carriers by rail in Porto Rico, and the Public Service Commission hereby created shall have power to enforce such laws under appropriate regulation.

SEC. 39. That all grants of franchises and privileges under the section last preceding shall provide that the same shall be subject to amendment, alteration, or repeal, and shall forbid the issue of stocks or bonds except in exchange for actual cash or property at a fair valuation to be determined by the public service commissioner equal in amount to the par value of the stocks or bonds issued, and shall forbid the declaring of stocks or bond dividends, and in the case of public service corporations shall provide for the effective regulation of charges thereof and for the purchase or taking of their property by the authorities at a fair and reasonable valuation.

That nothing in this act contained shall be so construed as to abrogate or in any manner impair or affect the provision contained in section three of the joint resolution approved May first, nineteen hundred, with respect to the buying, selling, or holding of real estate. That the Governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, nineteen hundred and seventeen, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of five hundred acres.

JUDICIAL DEPARTMENT.

SEC. 40. That the judicial power shall be vested in the courts and tribunals of Porto Rico now established and in operation under and by virtue of existing laws. The jurisdiction of said courts and the form of procedure in them, and the various officers and attaches thereof, shall also continue to be as now provided until otherwise provided by law: Provided, however, That the chief justice and associate justices of the supreme court shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and the Legislature of Porto Rico shall have authority, from time to time as it may see fit, not inconsistent with this act, to organize, modify, or rearrange the courts and their jurisdiction and procedure, except the District Court of the United States for Porto Rico.

SEC. 41. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint one district judge, who shall serve for a term of four years and until his successor is appointed and qualified and whose salary shall be $5,000 per annum. There shall be appointed in like manner a district attorney, whose salary shall be $4,000 per annum, and a marshal for

said district, whose salary shall be $3,500 per annum, each for a term of four years unless sooner removed by the President. The district court for said district shall be called "the District Court of the United States for Porto Rico," and shall have power to appoint all necessary officials and assistants, including the clerk, interpreter, and such commissioners as may be necessary, who shall be entitled to the same fees and have like powers and duties as are exercised and performed by United States commissioners. Such district court shall have jurisdiction of all cases cognizable in the district courts of the United States, and shall proceed in the same manner. In addition said district court shall have jurisdiction for the naturalization of aliens and Porto Ricans, and for this purpose residence in Porto Rico shall be counted in the same manner as residence elsewhere in the United States. Said district court shall have jurisdiction of all controversies where all of the parties on either side of the controversy are citizens or subjects of a foreign State or States, or citizens of a State, Territory, or District of the United States not domiciled in Porto Rico, wherein the matter in dispute exceeds, exclusive of interest or cost, the sum or value of $3,000 and of all controversies in which there is a separable controversy involving such jurisdictional amount and in which all of the parties on either side of such separable controversy are citizens or subjects of the character aforesaid: Provided, That nothing in this act shall be deemed to impair the jurisdiction of the District Court of the United States for Porto Rico to hear and determine all controversies pending in said court at the date of the approval of this act. Upon the taking effect of this act the salaries of the judge and officials of the District Court of the United States for Porto Rico, together with the court expenses, shall be paid from the United States revenues in the same manner as in other United States district courts. In case of vacancy or of the death, absence, or other legal disability on the part of the judge of the said District Court of the United States for Porto Rico, the President of the United States is authorized to designate one of the judges of the Supreme Court of Porto Rico to discharge the duties of judge of said court until such absence or disability shall be removed and thereupon such judge so designated for said service shall be fully authorized and empowered to perform the duties of said office during such absence or disability of such regular judge, and to sign all necessary papers and records as the acting judge of said court, without extra compensation.

SEC. 42. That the laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters or proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said United States district court shall be held at San Juan, commencing on the first Monday in May and November of each year, and also at Ponce on the second Monday in February of each year, and special terms may be held at Mayaguez at such stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language. The said district court shall be attached to and included in the first circuit of the United States, with the right of appeal and review by said circuit court of appeals in all cases where the same would lie from any district court to a circuit court of appeals of the United States, and with the right of appeal and review directly by the Supreme Court of the United States in all cases where a direct appeal would be from such district courts.

SEC. 43. That writs of error and appeals from the final judgments and decrees of the Supreme Court of Porto Rico may be taken and prosecuted to the Circuit Court of Appeals for the First Circuit and to the Supreme Court of the United States, as now provided by law.

SEC. 44. That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the District Court of the United States for Porto Rico; but the qualifications required of jurors in said court shall be that each shall be of the age of not less than twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and have a sufficient knowledge of the English language to enable

him to serve as a juror; they shall also be citizens of the United States. Juries for the said court shall be selected, drawn and subject to exemption in accordance with the laws of Congress regulating the same in the United States courts in so far as locally applicable.

SEC. 45. That all such fees, fines, costs, and forfeitures as would be deposited to the credit of the United States if collected and paid into a district court of the United States shall become revenues of the United States when collected and paid into the District Court of the United States for Porto Rico: Provided, That $500 a year from such fees, fines, costs, and forfeitures shall be retained by the clerk and expended for law library purposes under the direction of the judge.

SEC. 46. That the Attorney General of the United States shall from time to time determine the salaries of all officials and assistants appointed by the United States district court, including the clerk, his deputies, interpreter, stenographer, and other officials and employees, the same to be paid by the United States as other salaries and expenses of like character in United States courts.

SEC. 47. That jurors and witnesses in the District Court of the United States for Porto Rico shall be entitled to and receive 15 cents for each mile necessarily traveled over any stage line or by private conveyance and 10 cents for each mile over any railway in going to and returning from said courts. But no constructive or double mileage fees shall be allowed by reason of any person being summoned both as witness and juror or as witness in two or more cases pending in the same court and triable at the same term thereof. Such jurors shall be paid $3 per day and such witnesses $1.50 per day while in attendance upon the court.

SEC. 48. That the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district courts of the United States, and the district courts may grant writs of mandamus in all proper cases.

SEC. 49. That hereafter all judges, marshals, and secretaries of courts now established or that may hereafter be established in Porto Rico, and whose appointment by the President is not provided for by law, shall be appointed by the governor, by and with the advice and consent of the Senate of Porto Rico.

MISCELLANEOUS PROVISIONS.

SEC. 50. That, except as in this act otherwise provided, the salaries of all the officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such and be so paid out of the revenues of Porto Rico as shall from time to time be determined by the Legislature of Porto Rico and approved by the governor; and if the legislature shall fail to make an appropriation for such salaries, the salaries theretofore fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico appointed as herein provided by the President shall also be paid out of the revenues of Porto Rico on warrant of the auditor, countersigned by the governor. The annual salaries of the following named officials appointed by the President and so to be paid shall be: The governor, $10,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental; heads of executive departments, $5,000; chief justice of the supreme court $6,500; associate justices of the supreme court, $5,500 each.

Where any officer whose salary is fixed by this act is required to give a bond, the premium thereof shall be paid from the insular treasury.

SEC. 51. That the provisions of the foregoing section shall not apply to municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues, in such manner as the legislature shall provide.

SEC. 52. That wherever in this act offices of the insular government of Porto Rico are provided for under the same names as in the heretofore exist-

ing acts of Congress affecting Porto Rico, the present incumbents of those offices shall continue in office in accordance with the terms and at the salaries prescribed by this act, excepting the heads of those departments who are to be appointed by the governor and who shall continue in office only until their successors are appointed and have qualified. The offices of secretary of Porto Rico and director of labor, charities, and correction are hereby abolished. Authority is given to the respective appointing authorities to appoint and commission persons to fill the new offices created by this act.

SEC. 53. That any bureau or office belonging to any of the regular departments of the government, or hereafter created, or not assigned, may be transferred or assigned to any department by the governor with the approval of the Senate of Porto Rico.

SEC. 54. That deeds and other instruments affecting land situate in the District of Columbia, or any other territory or possession of the United States, may be acknowledged in Porto Rico before any notary public appointed therein by proper authority, or any officer therein who has ex officio the powers of a notary public: Provided, That the certificate by such notary shall be accompanied by the certificate of the executive secretary of Porto Rico to the effect that the notary taking such acknowledgment is in fact such notarial officer.

SEC. 55. That nothing in this act shall be deemed to impair or interrupt the jurisdiction of existing courts over matters pending therein upon the approval of this act, which jurisdiction is in all respects hereby continued, the purpose of this act being to preserve the integrity of all of said courts and their jurisdiction until otherwise provided by law, except as in this act otherwise specifically provided.

SEC. 56. That this act shall take effect upon approval, but until its provisions shall severally become operative, as hereinbefore provided, the corresponding legislative and executive functions of the government in Porto Rico shall continue to be exercised and in full force and operation as now provided by law; and the Executive Council shall, until the assembly and organization of the Legislature of Porto Rico as herein provided, consist of the attorney general, the treasurer, the commissioner of the interior, the commissioner of education, the commissioner of health, and the commissioner of agriculture and labor, and the five additional members as now provided by law. And any functions assigned to the Senate of Porto Rico by the provisions of this act shall, until this said senate has assembled and organized as herein provided, be exercised by the Executive Council as thus constituted: Provided, however, That all appointments made by the governor, by and with the advice and consent of the Executive Council as thus constituted, in the Executive Council as authorized by section thirteen of this act or in the office of Executive Secretary of Porto Rico, shall be regarded as temporary and shall expire not later than twenty days from and after the assembly and organization of the legislature hereinbefore provided, unless said appointments shall be ratified and made permanent by the said Senate of Porto Rico.

SEC. 57. That the laws and ordinances of Porto Rico now in force shall continue in force and effect, except as altered, amended, or modified herein, until altered, amended or repealed by the legislative authority herein provided for Porto Rico or by act of Congress of the United States; and such legislative authority shall have power when not inconsistent with this act, by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this act as it may from time to time see fit.

SEC. 58. That all laws or parts of laws applicable to Porto Rico not in conflict with any of the provisions of this act, including the laws relating to tariffs, customs, and duties on importations into Porto Rico prescribed by the act of Congress entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, are hereby continued in effect, and all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, March 2, 1917.

VIRGIN ISLANDS (DANISH WEST INDIES).—1917.*

An Act To provide a temporary government for the West Indian Islands acquired by the United States from Denmark by the convention entered into between said countries on the fourth day of August, nineteen hundred and sixteen, and ratified by the Senate of the United States on the seventh day of September, nineteen hundred and sixteen, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as hereinafter provided, all military, civil, and judicial powers necessary to govern the West Indian Islands acquired from Denmark shall be vested in a governor and in such person or persons as the President may appoint, and shall be exercised in such manner as the President shall direct until Congress shall provide for the government of said islands: Provided, That the President may assign an officer of the Army or Navy to serve as such governor and perform the duties appertaining to said office: And provided further, That the governor of the said islands shall be appointed by and with the advice and consent of the Senate: And provided further, That the compensation of all persons appointed under this act shall be fixed by the President.

SEC. 2. That until Congress shall otherwise provide, in so far as compatible with the changed sovereignty and not in conflict with the provisions of this act, the laws regulating elections and the electoral franchise as set forth in the code of laws published at Amalienborg the sixth day of April, nineteen hundred and six, and the other local laws, in force and effect in said islands on the seventeenth day of January, nineteen hundred and seventeen, shall remain in force and effect in said islands, and the same shall be administered by the civil officials and through the local judicial tribunals established in said islands, respectively; and the orders, judgments, and decrees of said judicial tribunals shall be duly enforced. With the approval of the President, or under such rules and regulations as the President may prescribe, any of said laws may be repealed, altered, or amended by the colonial council having jurisdiction. The jurisdiction of the judicial tribunals of said islands shall extend to all judicial proceedings and controversies in said islands to which the United States or any citizen thereof may be a party. In all cases arising in the said West Indian Islands and now reviewable by the courts of Denmark, writs of error and appeals shall be to the Circuit Court of Appeals for the Third Circuit, and, except as provided in sections two hundred and thirty-nine and two hundred and forty of the Judicial Code, the judgments, orders, and decrees of such court shall be final in all such cases.

SEC. 3. That on and after the passage of this act there shall be levied, collected, and paid upon all articles coming into the United States or its possessions, from the West Indian Islands ceded to the United States by Denmark, the rates of duty and internal-revenue taxes which are required to be levied, collected, and paid upon like articles imported from foreign countries: Provided, That all articles, the growth or product of, or manufactured in such islands from materials the growth or product of such islands or of the United States, or of both, or which do not contain foreign materials to the value of more than twenty per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall hereafter be admitted free of duty.

SEC. 4. That until Congress shall otherwise provide, all laws now imposing taxes in the said West Indian Islands, including the customs laws and regulations, shall, in so far as compatible with the changed sovereignty and not other-

* The Danish West Indies were acquired of Denmark by the treaty of cession executed on August 4, 1916, in consideration of the payment of $25,000,000. The group consists of three islands—St. Thomas, St. John and St. Croix and certain small adjacent islands. A temporary government was provided for the Islands by the Acts of March 3, 1917.

wise herein provided, continue in force and effect, except that articles the growth, product, or manufacture of the United States shall be admitted there free of duty: Provided, That upon exportation of sugar to any foreign country, or the shipment thereof to the United States or any of its possessions, there shall be levied, collected, and paid thereon an export duty of $8 per ton of two thousand pounds irrespective of polariscope test, in lieu of any export tax now required by law.

SEC. 5. That the duties and taxes collected in pursuance of this act shall not be covered into the general fund of the Treasury of the United States, but shall be used and expended for the government and benefit of said islands under such rules and regulations as the President may prescribe.

SEC. 6. That for the purpose of taking over and occupying said islands and of carrying this act into effect and to meet any deficit in the revenues of the said islands resulting from the provisions of this act the sum of $100,000 is hereby appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

SEC. 7. That the sum of $25,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the city of Washington to the diplomatic representative or other agent of His Majesty the King of Denmark duly authorized to receive said money, in full consideration of the cession of the Danish West Indian Islands to the United States made by the convention between the United States of America and His Majesty the King of Denmark entered into August fourth, nineteen hundred and sixteen, and ratified by the Senate of the United States on the seventh day of September, nineteen hundred and sixteen.

SEC. 8. That this act, with the exception of section seven, shall be in force and effect and become operative immediately upon the payment by the United States of said sum of $25,000,000. The fact and date of such payment shall thereupon be made public by a proclamation issued by the President and published in the said Danish West Indian Islands and in the United States. Section seven shall become immediately effective and the appropriation thereby provided for shall be immediately available.

Approved, March 3, 1917.

MINOR INSULAR DEPENDENCIES.

(a) GUANO ISLANDS.*

Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President be considered as appertaining to the United States.

The introduction of guano from such islands, rocks, or keys, shall be regulated as in the coasting-trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

All acts done, and offenses or crimes committed, on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant ship or vessel belonging to the United States; and shall be punished according to the laws of the United States, relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assigns.

Nothing in this title contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

Approved August 18, 1856.

(b) GUAM.

Guam was ceded to the United States by Spain in 1898. It has a fine harbor, a naval station, and a cable depot. Congress has never established a civil government for Guam and by order of the President it is controlled by the Navy Department.

(c) MIDWAY OR BROOKS ISLANDS.

The Midway or Brooks Islands were annexed by the United States in 1867. The group consists of four islands. No civil government has been provided for them and they are under the administrative control of the Navy Department. They are used chiefly as intermediate repeating stations for the American-Pacific cable, stretching from San Francisco to Manila.

(d) TUTUILA.

Tutuila, Manua and four smaller islands, forming the southern part of the Samoan group, were ceded to the United States by the Anglo-German-American partition treaty of December 2, 1899. The administrative control of the islands is vested by the President in the Navy Department.

(e) WAKE ISLAND.

Wake Island is an uninhabited island which was annexed by the United States on January 17, 1899. Its only value lies in its possible use as a cable station.

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* The Guano Islands are small, uninhabited islands over which the federal government extends its control "to benefit American agriculture by promoting the supply of guano at a reasonable price." The United States is in possession of about seventy-five guano islands, a few of which are in the Caribbean Sea, but most of which are scattered throughout the Pacific Ocean. Among the Guano Islands are Howland and Baker's Islands, both of which were taken possession of in 1857. The acts regulating guano islands were passed August 18, 1856; July 28, 1866, and April 2, 1872; and the chief provisions of these acts are given above.

LIST OF AUTHORITIES

The subjoined bibliography and list of the texts of the federal and state constitutions and the organic laws of the territories and colonial dependencies are in no sense exhaustive; only those sources which are supposed to contain the authentic and authorized text of the several constitutions and organic laws are given. In addition to the specific authorities cited below, liberal and constant use has been made of the Convention Journals, Debates and Proceedings of the Constitutional Conventions of the several states, and the text of the constitutions found therein; the reprints of the constitutions published in the several states by authority of the secretary of state; the text of the constitution found in the Code of Laws or Revised Statutes of each state; the State Manuals, Blue Books and other similar publications; the standard histories of the several states; and verified copies of proposed constitutional amendments, prepared by the secretary of state, and designed for distribution among the electors. In some states the secretary of state is required by law to publish the constitution in full with the session laws of each legislature, and the verified text of the constitutional amendments proposed and adopted are invariably given in the session laws prior or subsequent to their ratification. Beginning with the year 1910, an excellent summary of the substance of the proposed amendments submitted to the electors in each of the states, with the resulting vote thereon, may be found in The American Year Book. Of the standard compilations of the federal and state constitutions and other similar documents, the following are of greatest value:

Poore, Ben Perley. The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States. Parts I and II, Washington, Government Printing Office, 1877.

Thorpe, Francis Newton. The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories, and Colonies Now or Heretofore Forming the United States of America. 7 Volumes. Washington, Government Printing Office, 1909.

1. United States—The Constitution of the United States of America as Amended to May 1, 1913. Washington, Government Printing Office, 1913. Document No. 12, 63d Congress, first session.

2. Alabama—Constitution of the State of Alabama. Brown Printing Co., State Printers and Binders, Montgomery, Alabama, 1915. Code of Alabama, 1907. Alabama Official and Statistical Register, compiled by Thomas M. Owen, Director of the Department of Archives and History.

3. Arizona—Pamphlet containing the text of the proposed Constitution of Arizona as submitted to Congress. Revised Statutes, 1913. Pamphlets containing all referred measures to be voted on in 1912, 1914 and 1916, compiled by Sidney P. Osborn, Secretary of State.

4. Arkansas—Constitution of the State of Arkansas, with Amendments, issued by Earle W. Hodges, Secretary of State, 1911. Digest of the Statutes of Arkansas, William F. Kirby, 1904. Supplement to Kirby's Digest, 1911.

5. California—Constitution of the State of California and Summary of Amendments, prepared by the Legislative Counsel Bureau, 1915. Pamphlet containing the proposed amendments to the constitution of California to be submitted at the election of November 7, 1916, certified by the Secretary of State.

6. Colorado—Annotated Statutes of 1891 and 1912.

7. Connecticut—Constitution of the State of Connecticut by Authority, 1916.

8. Delaware—Constitution of the State of Delaware with Amendments, published by the Secretary of State, 1913. Revised Statutes, 1915.

9. Florida—General Statutes, 1906.

10. Georgia—Constitution of the State of Georgia of force January 1, 1917. Print of an Officially Certified Copy, compiled by Ella May Thornton. Code of Georgia, 1911.

11. Idaho—Constitution of the State of Idaho, compiled by George R. Barker, Secretary of State, 1915.

12. Illinois—Constitution of the State of Illinois; annotations by Prof. C. W. Tooke, 1914. Published by Harry Woods, Secretary of State.

13. Indiana—Constitution-making in Indiana, by Charles Kettleborough, 1916.

14. Iowa—Iowa Official Register, 1915-1916. Compiled under the supervision of William S. Allen, Secretary of State, by Henry C. Baumgartner.

15. Kansas—Constitution of the State of Kansas, issued by J. T. Botkin, Secretary of State, with Annotations compiled by R. E. McIntosh, 1916. General Statutes, 1909.

16. Kentucky—Kentucky Directory, 1916, compiled by Frank K. Kavanaugh. Kentucky Statutes, 1909 and 1915.

17. Louisiana—Constitution of the State of Louisiana, by Authority, 1913. Amendments to the Constitution of the State of Louisiana adopted by the electors of the State of Louisiana at the Congressional Elections held in 1914 and 1916.

18. Maine—Constitution of the State of Maine, 1902, by L. D. Carver. Amendments to the Constitution of the State of Maine, adopted since 1902. Sentinel Publishing Co., 1913. Revised Statutes of Maine, 1903.

19. Maryland—Constitution of the State of Maryland, published by the Executive Department, 1913. Annotated Code of Maryland, 1911.

20. Massachusetts—A Manual for the Constitutional Convention, 1917. Submitted to the Constitutional Convention by the Commission to Compile Submitted to the Constitutional Convention by the Commission to Compile

21. Michigan—Constitution of the State of Michigan, compiled and published under the supervision of Frederick C. Martindale, Secretary of State, 1913. Howell's Michigan Statutes, 1913. Michigan Manual, compiled by Frederick C. Martindale, Secretary of State, 1909.

22. Minnesota Constitution and Organic Act of the State of Minnesota, compiled by Julius A. Schmahl, Secretary of State, 1915. General Statutes of Minnesota, 1866. Session Laws of 1873. Statutes at Large, 1873. Revised Statutes, 1878. General Statutes, 1913.

23. Mississippi—The Mississippi Code of 1906.

24. Missouri—Constitution of the State of Missouri, published by Cornelius Roach, Secretary of State, 1909. Annotated Statutes, 1906. Revised Statutes, 1899. Revised Statutes, 1909. Official Manual of the State of Missouri, compiled by Cornelius Roach, Secretary of State, 1913-1914. Laws 1905, pages 313-325, where, in pursuance of an act approved March 10, 1905, "all amendments to the constitution * * * which have been adopted since the year 1898 and which are not contained in the Revised Statutes of 1899," are set out in full.

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